

108TH CONGRESS
2^D SESSION

H. R. 4568

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2004

Received; read twice and referred to the Committee on Appropriations

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For necessary expenses for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$840,401,000, to remain available
14 until expended, of which \$1,000,000 is for high priority
15 projects, to be carried out by the Youth Conservation
16 Corps; \$2,232,000 is for assessment of the mineral poten-
17 tial of public lands in Alaska pursuant to section 1010
18 of Public Law 96–487; (16 U.S.C. 3150); and of which
19 not to exceed \$1,000,000 shall be derived from the special
20 receipt account established by the Land and Water Con-
21 servation Act of 1965, as amended (16 U.S.C. 460l–6a(i));
22 and of which \$3,500,000 shall be available in fiscal year
23 2005 subject to a match by at least an equal amount by
24 the National Fish and Wildlife Foundation for cost-shared
25 projects supporting conservation of Bureau lands; and

1 such funds shall be advanced to the Foundation as a lump
2 sum grant without regard to when expenses are incurred.

3 In addition, \$32,696,000 is for Mining Law Adminis-
4 tration program operations, including the cost of admin-
5 istering the mining claim fee program; to remain available
6 until expended, to be reduced by amounts collected by the
7 Bureau and credited to this appropriation from annual
8 mining claim fees so as to result in a final appropriation
9 estimated at not more than \$840,401,000, and
10 \$2,000,000, to remain available until expended, from com-
11 munication site rental fees established by the Bureau for
12 the cost of administering communication site activities:
13 *Provided*, That appropriations herein made shall not be
14 available for the destruction of healthy, unadopted, wild
15 horses and burros in the care of the Bureau or its contrac-
16 tors.

17 WILDLAND FIRE MANAGEMENT

18 For necessary expenses for fire preparedness, sup-
19 pression operations, fire science and research, emergency
20 rehabilitation, hazardous fuels reduction, and rural fire as-
21 sistance by the Department of the Interior, \$743,099,000,
22 to remain available until expended, of which not to exceed
23 \$12,374,000 shall be for the renovation or construction
24 of fire facilities: *Provided*, That such funds are also avail-
25 able for repayment of advances to other appropriation ac-
26 counts from which funds were previously transferred for

1 such purposes: *Provided further*, That persons hired pur-
2 suant to 43 U.S.C. 1469 may be furnished subsistence and
3 lodging without cost from funds available from this appro-
4 priation: *Provided further*, That notwithstanding 42
5 U.S.C. 1856d, sums received by a bureau or office of the
6 Department of the Interior for fire protection rendered
7 pursuant to 42 U.S.C. 1856 et seq., protection of United
8 States property, may be credited to the appropriation from
9 which funds were expended to provide that protection, and
10 are available without fiscal year limitation: *Provided fur-*
11 *ther*, That using the amounts designated under this title
12 of this Act, the Secretary of the Interior may enter into
13 procurement contracts, grants, or cooperative agreements,
14 for hazardous fuels reduction activities, and for training
15 and monitoring associated with such hazardous fuels re-
16 duction activities, on Federal land, or on adjacent non-
17 Federal land for activities that benefit resources on Fed-
18 eral land: *Provided further*, That the costs of implementing
19 any cooperative agreement between the Federal Govern-
20 ment and any non-Federal entity may be shared, as mutu-
21 ally agreed on by the affected parties: *Provided further*,
22 That notwithstanding requirements of the Competition in
23 Contracting Act, the Secretary, for purposes of hazardous
24 fuels reduction activities, may obtain maximum prac-
25 ticable competition among: (A) local private, nonprofit, or

1 cooperative entities; (B) Youth Conservation Corps crews
2 or related partnerships with state, local, or non-profit
3 youth groups; (C) small or micro-businesses; or (D) other
4 entities that will hire or train locally a significant percent-
5 age, defined as 50 percent or more, of the project work-
6 force to complete such contracts: *Provided further*, That
7 in implementing this section, the Secretary shall develop
8 written guidance to field units to ensure accountability
9 and consistent application of the authorities provided here-
10 in: *Provided further*, That funds appropriated under this
11 head may be used to reimburse the United States Fish
12 and Wildlife Service and the National Marine Fisheries
13 Service for the costs of carrying out their responsibilities
14 under the Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.) to consult and conference, as required by
16 section 7 of such Act, in connection with wildland fire
17 management activities: *Provided further*, That the Sec-
18 retary of the Interior may use wildland fire appropriations
19 to enter into non-competitive sole source leases of real
20 property with local governments, at or below fair market
21 value, to construct capitalized improvements for fire facili-
22 ties on such leased properties, including but not limited
23 to fire guard stations, retardant stations, and other initial
24 attack and fire support facilities, and to make advance
25 payments for any such lease or for construction activity

1 associated with the lease: *Provided further*, That the Sec-
2 retary of the Interior and the Secretary of Agriculture
3 may authorize the transfer of funds appropriated for
4 wildland fire management, in an aggregate amount not to
5 exceed \$12,000,000, between the Departments when such
6 transfers would facilitate and expedite jointly funded
7 wildland fire management programs and projects: *Pro-*
8 *vided further*, That funds provided for wildfire suppression
9 shall be available for support of Federal emergency re-
10 sponse actions.

11 CENTRAL HAZARDOUS MATERIALS FUND

12 For necessary expenses of the Department of the In-
13 terior and any of its component offices and bureaus for
14 the remedial action, including associated activities, of haz-
15 ardous waste substances, pollutants, or contaminants pur-
16 suant to the Comprehensive Environmental Response,
17 Compensation, and Liability Act, as amended (42 U.S.C.
18 9601 et seq.), \$9,855,000, to remain available until ex-
19 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
20 sums recovered from or paid by a party in advance of or
21 as reimbursement for remedial action or response activi-
22 ties conducted by the Department pursuant to section 107
23 or 113(f) of such Act, shall be credited to this account,
24 to be available until expended without further appropria-
25 tion: *Provided further*, That such sums recovered from or
26 paid by any party are not limited to monetary payments

1 and may include stocks, bonds or other personal or real
2 property, which may be retained, liquidated, or otherwise
3 disposed of by the Secretary and which shall be credited
4 to this account.

5 CONSTRUCTION

6 For construction of buildings, recreation facilities,
7 roads, trails, and appurtenant facilities, \$15,000,000, to
8 remain available until expended.

9 LAND ACQUISITION

10 For expenses necessary to carry out sections 205,
11 206, and 318(d) of Public Law 94–579, including admin-
12 istrative expenses and acquisition of lands or waters, or
13 interests therein, \$4,500,000, to be derived from the Land
14 and Water Conservation Fund and to remain available
15 until expended.

16 OREGON AND CALIFORNIA GRANT LANDS

17 For expenses necessary for management, protection,
18 and development of resources and for construction, oper-
19 ation, and maintenance of access roads, reforestation, and
20 other improvements on the revested Oregon and California
21 Railroad grant lands, on other Federal lands in the Or-
22 egon and California land-grant counties of Oregon, and
23 on adjacent rights-of-way; and acquisition of lands or in-
24 terests therein, including existing connecting roads on or
25 adjacent to such grant lands; \$111,557,000, to remain
26 available until expended: *Provided*, That 25 percent of the

1 aggregate of all receipts during the current fiscal year
2 from the revested Oregon and California Railroad grant
3 lands is hereby made a charge against the Oregon and
4 California land-grant fund and shall be transferred to the
5 General Fund in the Treasury in accordance with the sec-
6 ond paragraph of subsection (b) of title II of the Act of
7 August 28, 1937 (50 Stat. 876).

8 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
9 (REVOLVING FUND, SPECIAL ACCOUNT)

10 In addition to the purposes authorized in Public Law
11 102–381, funds made available in the Forest Ecosystems
12 Health and Recovery Fund can be used for the purpose
13 of planning, preparing, implementing and monitoring sal-
14 vage timber sales and forest ecosystem health and recovery
15 activities, such as release from competing vegetation and
16 density control treatments. The Federal share of receipts
17 (defined as the portion of salvage timber receipts not paid
18 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
19 1181f–1 et seq., and Public Law 106–393) derived from
20 treatments funded by this account shall be deposited into
21 the Forest Ecosystems Health and Recovery Fund.

22 RANGE IMPROVEMENTS

23 For rehabilitation, protection, and acquisition of
24 lands and interests therein, and improvement of Federal
25 rangelands pursuant to section 401 of the Federal Land
26 Policy and Management Act of 1976 (43 U.S.C. 1701),

1 notwithstanding any other Act, sums equal to 50 percent
2 of all moneys received during the prior fiscal year under
3 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
4 315 et seq.) and the amount designated for range improve-
5 ments from grazing fees and mineral leasing receipts from
6 Bankhead-Jones lands transferred to the Department of
7 the Interior pursuant to law, but not less than
8 \$10,000,000, to remain available until expended: *Pro-*
9 *vided*, That not to exceed \$600,000 shall be available for
10 administrative expenses.

11 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

12 For administrative expenses and other costs related
13 to processing application documents and other authoriza-
14 tions for use and disposal of public lands and resources,
15 for costs of providing copies of official public land docu-
16 ments, for monitoring construction, operation, and termi-
17 nation of facilities in conjunction with use authorizations,
18 and for rehabilitation of damaged property, such amounts
19 as may be collected under Public Law 94–579, as amend-
20 ed, and Public Law 93–153, to remain available until ex-
21 pended: *Provided*, That notwithstanding any provision to
22 the contrary of section 305(a) of Public Law 94–579 (43
23 U.S.C. 1735(a)), any moneys that have been or will be
24 received pursuant to that section, whether as a result of
25 forfeiture, compromise, or settlement, if not appropriate
26 for refund pursuant to section 305(c) of that Act (43

1 U.S.C. 1735(c)), shall be available and may be expended
2 under the authority of this Act by the Secretary to im-
3 prove, protect, or rehabilitate any public lands adminis-
4 tered through the Bureau of Land Management which
5 have been damaged by the action of a resource developer,
6 purchaser, permittee, or any unauthorized person, without
7 regard to whether all moneys collected from each such ac-
8 tion are used on the exact lands damaged which led to
9 the action: *Provided further*, That any such moneys that
10 are in excess of amounts needed to repair damage to the
11 exact land for which funds were collected may be used to
12 repair other damaged public lands.

13 MISCELLANEOUS TRUST FUNDS

14 In addition to amounts authorized to be expended
15 under existing laws, there is hereby appropriated such
16 amounts as may be contributed under section 307 of the
17 Act of October 21, 1976 (43 U.S.C. 1701), and such
18 amounts as may be advanced for administrative costs, sur-
19 veys, appraisals, and costs of making conveyances of omit-
20 ted lands under section 211(b) of that Act, to remain
21 available until expended.

22 ADMINISTRATIVE PROVISIONS

23 Appropriations for the Bureau of Land Management
24 shall be available for purchase, erection, and dismantle-
25 ment of temporary structures, and alteration and mainte-
26 nance of necessary buildings and appurtenant facilities to

1 which the United States has title; up to \$100,000 for pay-
2 ments, at the discretion of the Secretary, for information
3 or evidence concerning violations of laws administered by
4 the Bureau; miscellaneous and emergency expenses of en-
5 forcement activities authorized or approved by the Sec-
6 retary and to be accounted for solely on her certificate,
7 not to exceed \$10,000: *Provided*, That notwithstanding 44
8 U.S.C. 501, the Bureau may, under cooperative cost-shar-
9 ing and partnership arrangements authorized by law, pro-
10 cure printing services from cooperators in connection with
11 jointly produced publications for which the cooperators
12 share the cost of printing either in cash or in services,
13 and the Bureau determines the cooperator is capable of
14 meeting accepted quality standards.

15 UNITED STATES FISH AND WILDLIFE SERVICE

16 RESOURCE MANAGEMENT

17 For necessary expenses of the United States Fish and
18 Wildlife Service, as authorized by law, and for scientific
19 and economic studies, maintenance of the herd of long-
20 horned cattle on the Wichita Mountains Wildlife Refuge,
21 general administration, and for the performance of other
22 authorized functions related to such resources by direct
23 expenditure, contracts, grants, cooperative agreements
24 and reimbursable agreements with public and private enti-
25 ties, \$970,494,000, to remain available until September

1 30, 2006, *Provided*, That not less than \$1,750,000 shall
2 be provided to local governments in southern California
3 for planning associated with the Natural Communities
4 Conservation Planning (NCCP) program and shall remain
5 available until expended: *Provided further*, That
6 \$2,000,000 is for high priority projects, which shall be
7 carried out by the Youth Conservation Corps: *Provided*
8 *further*, That not to exceed \$16,226,000 shall be used for
9 implementing subsections (a), (b), (c), and (e) of section
10 4 of the Endangered Species Act, as amended, for species
11 that are indigenous to the United States (except for proc-
12 essing petitions, developing and issuing proposed and final
13 regulations, and taking any other steps to implement ac-
14 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
15 (c)(2)(B)(ii)), of which not to exceed \$12,700,000 shall
16 be used for any activity regarding the designation of crit-
17 ical habitat, pursuant to subsection (a)(3), excluding liti-
18 gation support, for species listed pursuant to subsection
19 (a)(1) prior to October 1, 2004: *Provided further*, That
20 of the amount available for law enforcement, up to
21 \$400,000, to remain available until expended, may at the
22 discretion of the Secretary be used for payment for infor-
23 mation, rewards, or evidence concerning violations of laws
24 administered by the Service, and miscellaneous and emer-
25 gency expenses of enforcement activity, authorized or ap-

1 proved by the Secretary and to be accounted for solely on
2 her certificate: *Provided further*, That of the amount pro-
3 vided for environmental contaminants, up to \$1,000,000
4 may remain available until expended for contaminant sam-
5 ple analyses.

6 CONSTRUCTION

7 For construction, improvement, acquisition, or re-
8 moval of buildings and other facilities required in the con-
9 servation, management, investigation, protection, and uti-
10 lization of fishery and wildlife resources, and the acquisi-
11 tion of lands and interests therein; \$48,400,000, to remain
12 available until expended.

13 LAND ACQUISITION

14 For expenses necessary to carry out the Land and
15 Water Conservation Fund Act of 1965, as amended (16
16 U.S.C. 4601–4 through 11), including administrative ex-
17 penses, and for acquisition of land or waters, or interest
18 therein, in accordance with statutory authority applicable
19 to the United States Fish and Wildlife Service,
20 \$12,500,000, to be derived from the Land and Water Con-
21 servation Fund and to remain available until expended:
22 *Provided*, That none of the funds appropriated for specific
23 land acquisition projects can be used to pay for any ad-
24 ministrative overhead, planning or other management
25 costs.

1 LANDOWNER INCENTIVE PROGRAM

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601–4 through 11), including administrative ex-
5 penses, and for private conservation efforts to be carried
6 out on private lands, \$15,000,000, to be derived from the
7 Land and Water Conservation Fund, and to remain avail-
8 able until expended: *Provided*, That the amount provided
9 herein is for a Landowner Incentive Program established
10 by the Secretary that provides matching, competitively
11 awarded grants to States, the District of Columbia, feder-
12 ally recognized Indian tribes, Puerto Rico, Guam, the
13 United States Virgin Islands, the Northern Mariana Is-
14 lands, and American Samoa, to establish or supplement
15 existing landowner incentive programs that provide tech-
16 nical and financial assistance, including habitat protection
17 and restoration, to private landowners for the protection
18 and management of habitat to benefit federally listed, pro-
19 posed, candidate, or other at-risk species on private lands.

20 PRIVATE STEWARDSHIP GRANTS

21 For expenses necessary to carry out the Land and
22 Water Conservation Fund Act of 1965, as amended (16
23 U.S.C. 4601–4 through 11), including administrative ex-
24 penses, and for private conservation efforts to be carried
25 out on private lands, \$5,000,000, to be derived from the
26 Land and Water Conservation Fund, and to remain avail-

1 able until expended: *Provided*, That the amount provided
2 herein is for the Private Stewardship Grants Program es-
3 tablished by the Secretary to provide grants and other as-
4 sistance to individuals and groups engaged in private con-
5 servation efforts that benefit federally listed, proposed,
6 candidate, or other at-risk species: *Provided further*, That
7 balances from amounts previously appropriated under the
8 heading “Stewardship Grants” shall be transferred to and
9 merged with this appropriation and shall remain available
10 until expended.

11 COOPERATIVE ENDANGERED SPECIES CONSERVATION

12 FUND

13 For expenses necessary to carry out section 6 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
15 as amended, \$81,596,000, of which \$49,384,000 is to be
16 derived from the Cooperative Endangered Species Con-
17 servation Fund and \$49,384,000 is to be derived from the
18 Land and Water Conservation Fund and to remain avail-
19 able until expended.

20 NATIONAL WILDLIFE REFUGE FUND

21 For expenses necessary to implement the Act of Octo-
22 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

23 NORTH AMERICAN WETLANDS CONSERVATION FUND

24 For expenses necessary to carry out the provisions
25 of the North American Wetlands Conservation Act, Public

1 Law 101–233, as amended, \$38,000,000, to remain avail-
2 able until expended.

3 NEOTROPICAL MIGRATORY BIRD CONSERVATION

4 For financial assistance for projects to promote the
5 conservation of neotropical migratory birds in accordance
6 with the Neotropical Migratory Bird Conservation Act,
7 Public Law 106–247 (16 U.S.C. 6101–6109), \$4,400,000,
8 to remain available until expended.

9 MULTINATIONAL SPECIES CONSERVATION FUND

10 For expenses necessary to carry out the African Ele-
11 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
12 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
13 phant Conservation Act of 1997 (Public Law 105–96; 16
14 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
15 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
16 Ape Conservation Act of 2000 (16 U.S.C. 6301),
17 \$5,900,000, to remain available until expended.

18 STATE AND TRIBAL WILDLIFE GRANTS

19 For wildlife conservation grants to States and to the
20 District of Columbia, Puerto Rico, Guam, the United
21 States Virgin Islands, the Northern Mariana Islands,
22 American Samoa, and federally recognized Indian tribes
23 under the provisions of the Fish and Wildlife Act of 1956
24 and the Fish and Wildlife Coordination Act, for the devel-
25 opment and implementation of programs for the benefit
26 of wildlife and their habitat, including species that are not

1 hunted or fished, \$67,500,000, to be derived from the
2 Land and Water Conservation Fund, and to remain avail-
3 able until expended: *Provided*, That of the amount pro-
4 vided herein, \$6,000,000 is for a competitive grant pro-
5 gram for Indian tribes not subject to the remaining provi-
6 sions of this appropriation: *Provided further*, That the Sec-
7 retary shall, after deducting said \$6,000,000 and adminis-
8 trative expenses, apportion the amount provided herein in
9 the following manner: (A) to the District of Columbia and
10 to the Commonwealth of Puerto Rico, each a sum equal
11 to not more than one-half of 1 percent thereof; and (B)
12 to Guam, American Samoa, the United States Virgin Is-
13 lands, and the Commonwealth of the Northern Mariana
14 Islands, each a sum equal to not more than one-fourth
15 of 1 percent thereof: *Provided further*, That the Secretary
16 shall apportion the remaining amount in the following
17 manner: (A) one-third of which is based on the ratio to
18 which the land area of such State bears to the total land
19 area of all such States; and (B) two-thirds of which is
20 based on the ratio to which the population of such State
21 bears to the total population of all such States: *Provided*
22 *further*, That the amounts apportioned under this para-
23 graph shall be adjusted equitably so that no State shall
24 be apportioned a sum which is less than 1 percent of the
25 amount available for apportionment under this paragraph

1 for any fiscal year or more than 5 percent of such amount:
2 *Provided further*, That the Federal share of planning
3 grants shall not exceed 75 percent of the total costs of
4 such projects and the Federal share of implementation
5 grants shall not exceed 50 percent of the total costs of
6 such projects: *Provided further*, That the non-Federal
7 share of such projects may not be derived from Federal
8 grant programs: *Provided further*, That no State, terri-
9 tory, or other jurisdiction shall receive a grant unless it
10 has developed, or committed to develop by October 1,
11 2005, a comprehensive wildlife conservation plan, con-
12 sistent with criteria established by the Secretary of the
13 Interior, that considers the broad range of the State, terri-
14 tory, or other jurisdiction's wildlife and associated habi-
15 tats, with appropriate priority placed on those species with
16 the greatest conservation need and taking into consider-
17 ation the relative level of funding available for the con-
18 servation of those species: *Provided further*, That any
19 amount apportioned in 2005 to any State, territory, or
20 other jurisdiction that remains unobligated as of Sep-
21 tember 30, 2006, shall be reapportioned, together with
22 funds appropriated in 2007, in the manner provided here-
23 in: *Provided further*, That balances from amounts pre-
24 viously appropriated under the heading "State Wildlife

1 Grants” shall be transferred to and merged with this ap-
2 propriation and shall remain available until expended.

3 ADMINISTRATIVE PROVISIONS

4 Appropriations and funds available to the United
5 States Fish and Wildlife Service shall be available for pur-
6 chase of not to exceed 179 passenger motor vehicles, of
7 which 161 are for replacement only (including 44 for po-
8 lice-type use); repair of damage to public roads within and
9 adjacent to reservation areas caused by operations of the
10 Service; options for the purchase of land at not to exceed
11 \$1 for each option; facilities incident to such public rec-
12 reational uses on conservation areas as are consistent with
13 their primary purpose; and the maintenance and improve-
14 ment of aquaria, buildings, and other facilities under the
15 jurisdiction of the Service and to which the United States
16 has title, and which are used pursuant to law in connection
17 with management, and investigation of fish and wildlife
18 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
19 the Service may, under cooperative cost sharing and part-
20 nership arrangements authorized by law, procure printing
21 services from cooperators in connection with jointly pro-
22 duced publications for which the cooperators share at least
23 one-half the cost of printing either in cash or services and
24 the Service determines the cooperator is capable of meet-
25 ing accepted quality standards: *Provided further*, That not-
26 withstanding any other provision of law, the service may

1 use up to \$2,000,000 from funds provided for contracts
2 for employment-related legal services: *Provided further*,
3 That the Service may accept donated aircraft as replace-
4 ments for existing aircraft: *Provided further*, That not-
5 withstanding any other provision of law, the Secretary of
6 the Interior may not spend any of the funds appropriated
7 in this Act for the purchase of lands or interests in lands
8 to be used in the establishment of any new unit of the
9 National Wildlife Refuge System unless the purchase is
10 approved in advance by the House and Senate Committees
11 on Appropriations in compliance with the reprogramming
12 procedures contained in House Report 108–330.

13 NATIONAL PARK SERVICE

14 OPERATION OF THE NATIONAL PARK SYSTEM

15 For expenses necessary for the management, oper-
16 ation, and maintenance of areas and facilities adminis-
17 tered by the National Park Service (including special road
18 maintenance service to trucking permittees on a reimburs-
19 able basis), and for the general administration of the Na-
20 tional Park Service, \$1,686,067,000, of which
21 \$10,708,000 is for planning and interagency coordination
22 in support of Everglades restoration and shall remain
23 available until expended; of which \$94,690,000, to remain
24 available until September 30, 2005, is for maintenance,
25 repair or rehabilitation projects for constructed assets, op-

1 eration of the National Park Service automated facility
2 management software system, and comprehensive facility
3 condition assessments; and of which \$2,000,000 is for the
4 Youth Conservation Corps for high priority projects: *Pro-*
5 *vided*, That the only funds in this account which may be
6 made available to support United States Park Police are
7 those funds approved for emergency law and order inci-
8 dents pursuant to established National Park Service pro-
9 cedures, those funds needed to maintain and repair United
10 States Park Police administrative facilities, and those
11 funds necessary to reimburse the United States Park Po-
12 lice account for the unbudgeted overtime and travel costs
13 associated with special events for an amount not to exceed
14 \$10,000 per event subject to the review and concurrence
15 of the Washington headquarters office.

16 UNITED STATES PARK POLICE

17 For expenses necessary to carry out the programs of
18 the United States Park Police, \$81,204,000.

19 NATIONAL RECREATION AND PRESERVATION

20 For expenses necessary to carry out recreation pro-
21 grams, natural programs, cultural programs, heritage
22 partnership programs, environmental compliance and re-
23 view, international park affairs, statutory or contractual
24 aid for other activities, and grant administration, not oth-
25 erwise provided for, \$53,877,000: *Provided*, That
26 \$700,000 from the Statutory and Contractual Aid Ac-

1 count shall be provided to the City of Tacoma, Washington
2 for the purpose of conducting a feasibility study for the
3 Train to the Mountain project: *Provided further*, That
4 none of the funds in this or previous Acts for the Rivers,
5 Trails and Conservation Assistance Program may be used
6 for cooperative agreements, contracts, or cash grants.

7 HISTORIC PRESERVATION FUND

8 For expenses necessary in carrying out the Historic
9 Preservation Act of 1966, as amended (16 U.S.C. 470),
10 and the Omnibus Parks and Public Lands Management
11 Act of 1996 (Public Law 104–333), \$71,533,000, to be
12 derived from the Historic Preservation Fund, to remain
13 available until September 30, 2006, of which \$30,000,000
14 shall be for Save America’s Treasures for priority preser-
15 vation projects, of nationally significant sites, structures,
16 and artifacts: *Provided*, That any individual Save Amer-
17 ica’s Treasures grant shall be matched by non-Federal
18 funds: *Provided further*, That individual projects shall only
19 be eligible for one grant, and all projects to be funded shall
20 be approved by the House and Senate Committees on Ap-
21 propriations and the Secretary of the Interior in consulta-
22 tion with the President’s Committee on the Arts and Hu-
23 manities prior to the commitment of grant funds: *Provided*
24 *further*, That Save America’s Treasures funds allocated
25 for Federal projects, following approval, shall be available
26 by transfer to appropriate accounts of individual agencies.

1 CONSTRUCTION

2 For construction, improvements, repair or replace-
3 ment of physical facilities, including the modifications au-
4 thorized by section 104 of the Everglades National Park
5 Protection and Expansion Act of 1989, \$297,628,000, to
6 remain available until expended: *Provided*, That none of
7 the funds available to the National Park Service may be
8 used to plan, design, or construct any partnership project
9 with a total value in excess of \$5,000,000, without ad-
10 vance, written approval of the House and Senate Commit-
11 tees on Appropriations: *Provided further*, That, notwith-
12 standing any other provision of law, the National Park
13 Service may not accept donations or services associated
14 with the planning, design, or construction of such new fa-
15 cilities without advance written approval of the House and
16 Senate Committees on Appropriations: *Provided further*,
17 That these restrictions do not apply to the Flight 93 Me-
18 morial: *Provided further*, That none of the funds provided
19 in this or any other Act may be used for planning, design,
20 or construction of any underground security screening or
21 visitor contact facility at the Washington Monument until
22 such facility has been approved in writing by the House
23 and Senate Committees on Appropriations: *Provided fur-*
24 *ther*, That funds appropriated in this Act and in any prior
25 Acts for the purpose of implementing the Modified Water

1 Deliveries to Everglades National Park Project shall be
2 available for expenditure unless the joint report of the Sec-
3 retary of the Interior, the Secretary of the Army, the Ad-
4 ministrator of the Environmental Protection Agency, and
5 the Attorney General which shall be filed within 90 days
6 of enactment of this Act and by September 30 each year
7 thereafter until December 31, 2006, to the House and
8 Senate Committees on Appropriations, the House Com-
9 mittee on Transportation and Infrastructure, the House
10 Committee on Resources and the Senate Committee on
11 Environment and Public Works, indicates that the water
12 entering A.R.M. Loxahatchee National Wildlife Refuge
13 and Everglades National Park does not meet applicable
14 State water quality standards and numeric criteria adopt-
15 ed for phosphorus throughout A.R.M. Loxahatchee Na-
16 tional Wildlife Refuge and Everglades National Park, as
17 well as water quality requirements set forth in the Consent
18 Decree entered in United States v. South Florida Water
19 Management District, and that the House and Senate
20 Committees on Appropriations respond in writing dis-
21 approving the further expenditure of funds.

22 LAND AND WATER CONSERVATION FUND

23 (RESCISSION)

24 The contract authority provided for fiscal year 2005
25 by 16 U.S.C. 460l-10a is rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 For expenses necessary to carry out the Land and
3 Water Conservation Act of 1965, as amended (16 U.S.C.
4 460l-4 through 11), including administrative expenses,
5 and for acquisition of lands or waters, or interest therein,
6 in accordance with the statutory authority applicable to
7 the National Park Service, \$107,500,000, to be derived
8 from the Land and Water Conservation Fund and to re-
9 main available until expended, of which \$91,500,000 is for
10 the State assistance program including \$1,500,000 to ad-
11 minister this program: *Provided*, That none of the funds
12 provided for the State assistance program may be used
13 to establish a contingency fund.

14 ADMINISTRATIVE PROVISIONS

15 Appropriations for the National Park Service shall be
16 available for the purchase of not to exceed 249 passenger
17 motor vehicles, of which 202 shall be for replacement only,
18 including not to exceed 193 for police-type use, 10 buses,
19 and 8 ambulances: *Provided*, That none of the funds ap-
20 propriated to the National Park Service may be used to
21 process any grant or contract documents which do not in-
22 clude the text of 18 U.S.C. 1913: *Provided further*, That
23 none of the funds appropriated to the National Park Serv-
24 ice may be used to implement an agreement for the rede-
25 velopment of the southern end of Ellis Island until such
26 agreement has been submitted to the Congress and shall

1 not be implemented prior to the expiration of 30 calendar
2 days (not including any day in which either House of Con-
3 gress is not in session because of adjournment of more
4 than 3 calendar days to a day certain) from the receipt
5 by the Speaker of the House of Representatives and the
6 President of the Senate of a full and comprehensive report
7 on the development of the southern end of Ellis Island,
8 including the facts and circumstances relied upon in sup-
9 port of the proposed project: *Provided further*, That appro-
10 priations available to the National Park Service may be
11 used to maintain the following areas in Washington, Dis-
12 trict of Columbia: Jackson Place, Madison Place, and
13 Pennsylvania Avenue between 15th and 17th Streets,
14 Northwest.

15 None of the funds in this Act may be spent by the
16 National Park Service for activities taken in direct re-
17 sponse to the United Nations Biodiversity Convention.

18 The National Park Service may distribute to oper-
19 ating units based on the safety record of each unit the
20 costs of programs designed to improve workplace and em-
21 ployee safety, and to encourage employees receiving work-
22 ers' compensation benefits pursuant to chapter 81 of title
23 5, United States Code, to return to appropriate positions
24 for which they are medically able.

1 Notwithstanding any other provision of law, in fiscal
2 year 2005, with respect to the administration of the Na-
3 tional Park Service park pass program by the National
4 Park Foundation, the Secretary may pay to the Founda-
5 tion administrative funds expected to be received in that
6 fiscal year before the revenues are collected, so long as
7 total payments in the administrative account do not exceed
8 total revenue collected and deposited in that account by
9 the end of the fiscal year.

10 If the Secretary of the Interior considers the decision
11 of any value determination proceeding conducted under a
12 National Park Service concession contract issued prior to
13 November 13, 1998, to misinterpret and/or misapply rel-
14 evant contractual requirements, and their underlying legal
15 authority, the Secretary may seek the de novo review of
16 the value determination by the United States Court of
17 Federal Claims, and that court may make an order affirm-
18 ing, vacating, modifying or correcting the determination.

19 In addition to other uses set forth in section 407(d)
20 of Public Law 105–391, franchise fees credited to a sub-
21 account shall be available for expenditure by the Sec-
22 retary, without further appropriation, for use at any unit
23 within the National Park System to extinguish or reduce
24 liability for Possessory Interest or leasehold surrender in-
25 terest. Such funds may only be used for this purpose to

1 the extent that the benefiting unit anticipated franchise
2 fee receipts over the term of the contract at that unit ex-
3 ceed the amount of funds used to extinguish or reduce
4 liability. Franchise fees at the benefiting unit shall be
5 credited to the sub-account of the originating unit over
6 a period not to exceed the term of a single contract at
7 the benefiting unit, in the amount of funds so expended
8 to extinguish or reduce liability.

9 UNITED STATES GEOLOGICAL SURVEY

10 SURVEYS, INVESTIGATIONS, AND RESEARCH

11 For expenses necessary for the United States Geo-
12 logical Survey to perform surveys, investigations, and re-
13 search covering topography, geology, hydrology, biology,
14 and the mineral and water resources of the United States,
15 its territories and possessions, and other areas as author-
16 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
17 to their mineral and water resources; give engineering su-
18 pervision to power permittees and Federal Energy Regu-
19 latory Commission licensees; administer the minerals ex-
20 ploration program (30 U.S.C. 641); and publish and dis-
21 seminate data relative to the foregoing activities; and to
22 conduct inquiries into the economic conditions affecting
23 mining and materials processing industries (30 U.S.C. 3,
24 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
25 as authorized by law and to publish and disseminate data;

1 \$944,498,000, of which \$63,262,000 shall be available
2 only for cooperation with States or municipalities for
3 water resources investigations; and of which \$16,185,000
4 shall remain available until expended for conducting in-
5 quires into the economic conditions affecting mining and
6 materials processing industries; and of which \$7,901,000
7 shall remain available until expended for satellite oper-
8 ations; and of which \$20,099,000 shall be available until
9 September 30, 2006, for the operation and maintenance
10 of facilities and deferred maintenance; and of which
11 \$1,600,000 shall be available until expended for deferred
12 maintenance and capital improvement projects that exceed
13 \$100,000 in cost; and of which \$171,976,000 shall be
14 available until September 30, 2006, for the biological re-
15 search activity and the operation of the Cooperative Re-
16 search Units: *Provided*, That none of these funds provided
17 for the biological research activity shall be used to conduct
18 new surveys on private property, unless specifically au-
19 thorized in writing by the property owner: *Provided fur-*
20 *ther*, That no part of this appropriation shall be used to
21 pay more than one-half the cost of topographic mapping
22 or water resources data collection and investigations car-
23 ried on in cooperation with States and municipalities.

24 ADMINISTRATIVE PROVISIONS

25 The amount appropriated for the United States Geo-
26 logical Survey shall be available for the purchase and re-

1 placement of passenger motor vehicles; reimbursement to
2 the General Services Administration for security guard
3 services; contracting for the furnishing of topographic
4 maps and for the making of geophysical or other special-
5 ized surveys when it is administratively determined that
6 such procedures are in the public interest; construction
7 and maintenance of necessary buildings and appurtenant
8 facilities; acquisition of lands for gauging stations and ob-
9 servation wells; expenses of the United States National
10 Committee on Geology; and payment of compensation and
11 expenses of persons on the rolls of the Survey duly ap-
12 pointed to represent the United States in the negotiation
13 and administration of interstate compacts: *Provided*, That
14 activities funded by appropriations herein made may be
15 accomplished through the use of contracts, grants, or co-
16 operative agreements as defined in 31 U.S.C. 6302 et seq.:
17 *Provided further*, That the United States Geological Sur-
18 vey may enter into contracts or cooperative agreements
19 directly with individuals or indirectly with institutions or
20 nonprofit organizations, without regard to 41 U.S.C. 5,
21 for the temporary or intermittent services of students or
22 recent graduates, who shall be considered employees for
23 the purpose of chapters 57 and 81 of title 5, United States
24 Code, relating to compensation for travel and work inju-
25 ries, and chapter 171 of title 28, United States Code, re-

1 lating to tort claims, but shall not be considered to be Fed-
2 eral employees for any other purposes.

3 MINERALS MANAGEMENT SERVICE

4 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

5 For expenses necessary for minerals leasing and envi-
6 ronmental studies, regulation of industry operations, and
7 collection of royalties, as authorized by law; for enforcing
8 laws and regulations applicable to oil, gas, and other min-
9 erals leases, permits, licenses and operating contracts; and
10 for matching grants or cooperative agreements; including
11 the purchase of not to exceed eight passenger motor vehi-
12 cles for replacement only, \$171,575,000, of which
13 \$81,906,000 shall be available for royalty management ac-
14 tivities; and an amount not to exceed \$103,730,000, to
15 be credited to this appropriation and to remain available
16 until expended, from additions to receipts resulting from
17 increases to rates in effect on August 5, 1993, from rate
18 increases to fee collections for Outer Continental Shelf ad-
19 ministrative activities performed by the Minerals Manage-
20 ment Service (MMS) over and above the rates in effect
21 on September 30, 1993, and from additional fees for
22 Outer Continental Shelf administrative activities estab-
23 lished after September 30, 1993: *Provided*, That to the
24 extent \$103,730,000 in additions to receipts are not real-
25 ized from the sources of receipts stated above, the amount

1 needed to reach \$103,730,000 shall be credited to this ap-
2 propriation from receipts resulting from rental rates for
3 Outer Continental Shelf leases in effect before August 5,
4 1993: *Provided further*, That \$3,000,000 for computer ac-
5 quisitions shall remain available until September 30,
6 2006: *Provided further*, That funds appropriated under
7 this Act shall be available for the payment of interest in
8 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
9 *ther*, That not to exceed \$3,000 shall be available for rea-
10 sonable expenses related to promoting volunteer beach and
11 marine cleanup activities: *Provided further*, That notwith-
12 standing any other provision of law, \$15,000 under this
13 heading shall be available for refunds of overpayments in
14 connection with certain Indian leases in which the Direc-
15 tor of MMS concurred with the claimed refund due, to
16 pay amounts owed to Indian allottees or tribes, or to cor-
17 rect prior unrecoverable erroneous payments: *Provided*
18 *further*, That MMS may under the royalty-in-kind pilot
19 program, or under its authority to transfer oil to the Stra-
20 tegic Petroleum Reserve, use a portion of the revenues
21 from royalty-in-kind sales, without regard to fiscal year
22 limitation, to pay for transportation to wholesale market
23 centers or upstream pooling points, and to process or oth-
24 erwise dispose of royalty production taken in kind, and
25 to recover MMS transportation costs, salaries, and other

1 administrative costs directly related to filling the Strategic
2 Petroleum Reserve: *Provided further*, That MMS shall
3 analyze and document the expected return in advance of
4 any royalty-in-kind sales to assure to the maximum extent
5 practicable that royalty income under the pilot program
6 is equal to or greater than royalty income recognized
7 under a comparable royalty-in-value program: *Provided*
8 *further*, That in fiscal year 2005 and thereafter, notwith-
9 standing 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Sec-
10 retary shall pay, not to exceed \$499,000 annually,
11 amounts owed to States under the provision of 30 U.S.C.
12 1721(b) from amounts received as current receipts from
13 bonuses, royalties, interest collected from lessees and des-
14 ignees, and rentals of the public lands and the outer conti-
15 nental shelf under provisions of the Mineral Leasing Act
16 (30 U.S.C. 181 et seq.), and the Outer Continental Shelf
17 Lands Act (43 U.S.C. 1331 et seq.), which are not payable
18 to a State or the Reclamation Fund.

19 OIL SPILL RESEARCH

20 For necessary expenses to carry out title I, section
21 1016, title IV, sections 4202 and 4303, title VII, and title
22 VIII, section 8201 of the Oil Pollution Act of 1990,
23 \$7,105,000, which shall be derived from the Oil Spill Li-
24 ability Trust Fund, to remain available until expended.

1 the Abandoned Mine Reclamation Fund and to remain
2 available until expended; of which up to \$10,000,000, to
3 be derived from the Federal Expenses Share of the Fund,
4 shall be for supplemental grants to States for the reclama-
5 tion of abandoned sites with acid mine rock drainage from
6 coal mines, and for associated activities, through the Ap-
7 palachian Clean Streams Initiative: *Provided*, That grants
8 to minimum program States will be \$1,500,000 per State
9 in fiscal year 2005: *Provided further*, That pursuant to
10 Public Law 97–365, the Department of the Interior is au-
11 thorized to use up to 20 percent from the recovery of the
12 delinquent debt owed to the United States Government to
13 pay for contracts to collect these debts: *Provided further*,
14 That funds made available under title IV of Public Law
15 95–87 may be used for any required non-Federal share
16 of the cost of projects funded by the Federal Government
17 for the purpose of environmental restoration related to
18 treatment or abatement of acid mine drainage from aban-
19 doned mines: *Provided further*, That such projects must
20 be consistent with the purposes and priorities of the Sur-
21 face Mining Control and Reclamation Act: *Provided fur-*
22 *ther*, That the State of Maryland may set aside the greater
23 of \$1,000,000 or 10 percent of the total of the grants
24 made available to the State under title IV of the Surface
25 Mining Control and Reclamation Act of 1977, as amended

1 (30 U.S.C. 1231 et seq.), if the amount set aside is depos-
2 ited in an acid mine drainage abatement and treatment
3 fund established under a State law, pursuant to which law
4 the amount (together with all interest earned on the
5 amount) is expended by the State to undertake acid mine
6 drainage abatement and treatment projects, except that
7 before any amounts greater than 10 percent of its title
8 IV grants are deposited in an acid mine drainage abate-
9 ment and treatment fund, the State of Maryland must
10 first complete all Surface Mining Control and Reclamation
11 Act priority one projects: *Provided further*, That amounts
12 provided under this heading may be used for the travel
13 and per diem expenses of State and tribal personnel at-
14 tending Office of Surface Mining Reclamation and En-
15 forcement sponsored training.

16 BUREAU OF INDIAN AFFAIRS

17 OPERATION OF INDIAN PROGRAMS

18 For expenses necessary for the operation of Indian
19 programs, as authorized by law, including the Snyder Act
20 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
21 termination and Education Assistance Act of 1975 (25
22 U.S.C. 450 et seq.), as amended, the Education Amend-
23 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
24 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
25 as amended, \$1,935,033,000, to remain available until

1 September 30, 2006 except as otherwise provided herein,
2 of which not to exceed \$85,638,000 shall be for welfare
3 assistance payments and notwithstanding any other provi-
4 sion of law, including but not limited to the Indian Self-
5 Determination Act of 1975, as amended, not to exceed
6 \$133,314,000 shall be available for payments to tribes and
7 tribal organizations for contract support costs associated
8 with ongoing contracts, grants, compacts, or annual fund-
9 ing agreements entered into with the Bureau prior to or
10 during fiscal year 2005, as authorized by such Act except
11 that tribes and tribal organizations may use their tribal
12 priority allocations for unmet indirect costs of ongoing
13 contracts, grants, or compacts, or annual funding agree-
14 ments and for unmet welfare assistance costs; and of
15 which not to exceed \$458,057,000 for school operations
16 costs of Bureau-funded schools and other education pro-
17 grams shall become available on July 1, 2005, and shall
18 remain available until September 30, 2006; and of which
19 not to exceed \$61,409,000 shall remain available until ex-
20 pended for housing improvement, road maintenance, at-
21 torney fees, litigation support, the Indian Self-Determina-
22 tion Fund, land records improvement, and the Navajo-
23 Hopi Settlement Program: *Provided*, That notwith-
24 standing any other provision of law, including but not lim-
25 ited to the Indian Self-Determination Act of 1975, as

1 amended, and 25 U.S.C. 2008, not to exceed \$45,348,000
2 within and only from such amounts made available for
3 school operations shall be available to tribes and tribal or-
4 ganizations for administrative cost grants associated with
5 ongoing grants entered into with the Bureau prior to or
6 during fiscal year 2004 for the operation of Bureau-fund-
7 ed schools, and up to \$3,000,000 within and only from
8 such amounts made available for school operations shall
9 be available for the transitional costs of initial administra-
10 tive cost grants to tribes and tribal organizations that
11 enter into grants for the operation on or after July 1,
12 2004 of Bureau-operated schools: *Provided further*, That
13 any forestry funds allocated to a tribe which remain unob-
14 ligated as of September 30, 2006, may be transferred dur-
15 ing fiscal year 2007 to an Indian forest land assistance
16 account established for the benefit of such tribe within the
17 tribe's trust fund account: *Provided further*, That any such
18 unobligated balances not so transferred shall expire on
19 September 30, 2007.

20 CONSTRUCTION

21 For construction, repair, improvement, and mainte-
22 nance of irrigation and power systems, buildings, utilities,
23 and other facilities, including architectural and engineer-
24 ing services by contract; acquisition of lands, and interests
25 in lands; and preparation of lands for farming, and for
26 construction of the Navajo Indian Irrigation Project pur-

1 suant to Public Law 87-483, \$348,626,000, to remain
2 available until expended: *Provided*, That such amounts as
3 may be available for the construction of the Navajo Indian
4 Irrigation Project may be transferred to the Bureau of
5 Reclamation: *Provided further*, That not to exceed 6 per-
6 cent of contract authority available to the Bureau of In-
7 dian Affairs from the Federal Highway Trust Fund may
8 be used to cover the road program management costs of
9 the Bureau: *Provided further*, That any funds provided for
10 the Safety of Dams program pursuant to 25 U.S.C. 13
11 shall be made available on a nonreimbursable basis: *Pro-*
12 *vided further*, That for fiscal year 2005, in implementing
13 new construction or facilities improvement and repair
14 project grants in excess of \$100,000 that are provided to
15 tribally controlled grant schools under Public Law 100-
16 297, as amended, the Secretary of the Interior shall use
17 the Administrative and Audit Requirements and Cost
18 Principles for Assistance Programs contained in 43 CFR
19 part 12 as the regulatory requirements: *Provided further*,
20 That such grants shall not be subject to section 12.61 of
21 43 CFR; the Secretary and the grantee shall negotiate and
22 determine a schedule of payments for the work to be per-
23 formed: *Provided further*, That in considering applications,
24 the Secretary shall consider whether the Indian tribe or
25 tribal organization would be deficient in assuring that the

1 construction projects conform to applicable building stand-
2 ards and codes and Federal, tribal, or State health and
3 safety standards as required by 25 U.S.C. 2005(b), with
4 respect to organizational and financial management capa-
5 bilities: *Provided further*, That if the Secretary declines an
6 application, the Secretary shall follow the requirements
7 contained in 25 U.S.C. 2504(f): *Provided further*, That
8 any disputes between the Secretary and any grantee con-
9 cerning a grant shall be subject to the disputes provision
10 in 25 U.S.C. 2507(e): *Provided further*, That, of the funds
11 provided for the tribal school demonstration program, not-
12 withstanding the provisions of paragraph (b)(1) of section
13 122 of division F of Public Law 108–7, as amended by
14 section 136 of Public Law 108–108, \$4,500,000 is for the
15 Eastern Band of Cherokee education campus at the
16 Ravensford tract.

17 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
18 MISCELLANEOUS PAYMENTS TO INDIANS

19 For miscellaneous payments to Indian tribes and in-
20 dividuals and for necessary administrative expenses,
21 \$44,771,000, to remain available until expended, for im-
22 plementation of enacted Indian land and water claim set-
23 tlements pursuant to Public Laws 99–264, 100–580, 101–
24 618, 106–554, 107–331, and 108–34, and for implemen-
25 tation of other land and water rights settlements; and of
26 which \$10,032,000 shall be available for payment to the

1 Quinault Indian Nation pursuant to the terms of the
2 North Boundary Settlement Agreement dated July 14,
3 2000, providing for the acquisition of perpetual conserva-
4 tion easements from the Nation.

5 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

6 For the cost of guaranteed and insured loans,
7 \$6,421,000, of which \$695,000 is for administrative ex-
8 penses, as authorized by the Indian Financing Act of
9 1974, as amended: *Provided*, That such costs, including
10 the cost of modifying such loans, shall be as defined in
11 section 502 of the Congressional Budget Act of 1974: *Pro-*
12 *vided further*, That these funds are available to subsidize
13 total loan principal, any part of which is to be guaranteed,
14 not to exceed \$84,699,000.

15 ADMINISTRATIVE PROVISIONS

16 The Bureau of Indian Affairs may carry out the oper-
17 ation of Indian programs by direct expenditure, contracts,
18 cooperative agreements, compacts and grants, either di-
19 rectly or in cooperation with States and other organiza-
20 tions.

21 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
22 Affairs may contract for services in support of the man-
23 agement, operation, and maintenance of the Power Divi-
24 sion of the San Carlos Irrigation Project.

25 Appropriations for the Bureau of Indian Affairs (ex-
26 cept the revolving fund for loans, the Indian loan guar-

1 antee and insurance fund, and the Indian Guaranteed
2 Loan Program account) shall be available for expenses of
3 exhibits, and purchase and replacement of passenger
4 motor vehicles.

5 Notwithstanding any other provision of law, no funds
6 available to the Bureau of Indian Affairs for central office
7 operations or pooled overhead general administration (ex-
8 cept facilities operations and maintenance) shall be avail-
9 able for tribal contracts, grants, compacts, or cooperative
10 agreements with the Bureau of Indian Affairs under the
11 provisions of the Indian Self-Determination Act or the
12 Tribal Self-Governance Act of 1994 (Public Law 103–
13 413).

14 In the event any tribe returns appropriations made
15 available by this Act to the Bureau of Indian Affairs for
16 distribution to other tribes, this action shall not diminish
17 the Federal Government’s trust responsibility to that
18 tribe, or the government-to-government relationship be-
19 tween the United States and that tribe, or that tribe’s abil-
20 ity to access future appropriations.

21 Notwithstanding any other provision of law, no funds
22 available to the Bureau, other than the amounts provided
23 herein for assistance to public schools under 25 U.S.C.
24 452 et seq., shall be available to support the operation of
25 any elementary or secondary school in the State of Alaska.

1 Appropriations made available in this or any other
2 Act for schools funded by the Bureau shall be available
3 only to the schools in the Bureau school system as of Sep-
4 tember 1, 1996. No funds available to the Bureau shall
5 be used to support expanded grades for any school or dor-
6 mitory beyond the grade structure in place or approved
7 by the Secretary of the Interior at each school in the Bu-
8 reau school system as of October 1, 1995. Funds made
9 available under this Act may not be used to establish a
10 charter school at a Bureau-funded school (as that term
11 is defined in section 1146 of the Education Amendments
12 of 1978 (25 U.S.C. 2026)), except that a charter school
13 that is in existence on the date of the enactment of this
14 Act and that has operated at a Bureau-funded school be-
15 fore September 1, 1999, may continue to operate during
16 that period, but only if the charter school pays to the Bu-
17 reau a pro rata share of funds to reimburse the Bureau
18 for the use of the real and personal property (including
19 buses and vans), the funds of the charter school are kept
20 separate and apart from Bureau funds, and the Bureau
21 does not assume any obligation for charter school pro-
22 grams of the State in which the school is located if the
23 charter school loses such funding. Employees of Bureau-
24 funded schools sharing a campus with a charter school and
25 performing functions related to the charter school's oper-

1 ation and employees of a charter school shall not be treat-
2 ed as Federal employees for purposes of chapter 171 of
3 title 28, United States Code.

4 DEPARTMENTAL OFFICES

5 INSULAR AFFAIRS

6 ASSISTANCE TO TERRITORIES

7 For expenses necessary for assistance to territories
8 under the jurisdiction of the Department of the Interior,
9 \$74,935,000, of which: (1) \$68,372,000 shall be available
10 until expended for technical assistance, including mainte-
11 nance assistance, disaster assistance, insular management
12 controls, coral reef initiative activities, and brown tree
13 snake control and research; grants to the judiciary in
14 American Samoa for compensation and expenses, as au-
15 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
16 ment of American Samoa, in addition to current local rev-
17 enues, for construction and support of governmental func-
18 tions; grants to the Government of the Virgin Islands as
19 authorized by law; grants to the Government of Guam,
20 as authorized by law; and grants to the Government of
21 the Northern Mariana Islands as authorized by law (Pub-
22 lic Law 94-241; 90 Stat. 272); and (2) \$6,563,000 shall
23 be available for salaries and expenses of the Office of Insu-
24 lar Affairs: *Provided*, That all financial transactions of the
25 territorial and local governments herein provided for, in-

1 cluding such transactions of all agencies or instrumental-
2 ities established or used by such governments, may be au-
3 dited by the General Accounting Office, at its discretion,
4 in accordance with chapter 35 of title 31, United States
5 Code: *Provided further*, That Northern Mariana Islands
6 Covenant grant funding shall be provided according to
7 those terms of the Agreement of the Special Representa-
8 tives on Future United States Financial Assistance for the
9 Northern Mariana Islands approved by Public Law 104-
10 134: *Provided further*, That of the amounts provided for
11 technical assistance, sufficient funds shall be made avail-
12 able for a grant to the Pacific Basin Development Council:
13 *Provided further*, That of the amounts provided for tech-
14 nical assistance, sufficient funding shall be made available
15 for a grant to the Close Up Foundation: *Provided further*,
16 That the funds for the program of operations and mainte-
17 nance improvement are appropriated to institutionalize
18 routine operations and maintenance improvement of cap-
19 ital infrastructure with territorial participation and cost
20 sharing to be determined by the Secretary based on the
21 grantee's commitment to timely maintenance of its capital
22 assets: *Provided further*, That any appropriation for dis-
23 aster assistance under this heading in this Act or previous
24 appropriations Acts may be used as non-Federal matching
25 funds for the purpose of hazard mitigation grants provided

1 pursuant to section 404 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

3 COMPACT OF FREE ASSOCIATION

4 For grants and necessary expenses, \$5,499,000, as
5 provided for in sections 221(a)(2), 221(b), and 233 of the
6 Compact of Free Association for the Republic of Palau
7 as authorized by Public Law 99–658; Public Law 108–
8 188; and section 221(a)(2) of the Compacts of Free Asso-
9 ciation and their related agreements between the Govern-
10 ment of the United States and the Government of the Re-
11 public of the Marshall Islands as amended.

12 DEPARTMENTAL MANAGEMENT

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for management of the De-
16 partment of the Interior, \$93,051,000, of which not to ex-
17 ceed \$8,500 may be for official reception and representa-
18 tion expenses, of which up to \$1,000,000 shall be available
19 for workers compensation payments and unemployment
20 compensation payments associated with the orderly clo-
21 sure of the United States Bureau of Mines, and of which
22 \$13,500,000, to be derived by transfer from unobligated
23 balances in the “Central Hazardous Materials Fund”,
24 shall remain available until expended for a departmental
25 financial and business management system. *Provided,*
26 That none of the funds in this or previous appropriations

1 Acts may be used to establish any additional reserves in
2 the Working Capital Fund account other than the two au-
3 thorized reserves without prior approval of the House and
4 Senate Committees on Appropriations: *Provided further,*
5 That amounts otherwise appropriated by this Act for
6 motor vehicle lease, purchase or service costs at the De-
7 partment of the Interior are reduced by \$13,500,000 and,
8 not later than 30 days after the date of the enactment
9 of this Act, the Director of the Office of Management and
10 Budget shall submit to the Committees on Appropriations
11 of the House of Representatives and the Senate a listing
12 of the amounts by account of the reductions made pursu-
13 ant to this proviso.

14 PAYMENTS IN LIEU OF TAXES

15 For expenses necessary to implement the Act of Octo-
16 ber 20, 1976, as amended (31 U.S.C. 6901-6907),
17 \$226,000,000, of which not to exceed \$400,000 shall be
18 available for administrative expenses: *Provided,* That no
19 payment shall be made to otherwise eligible units of local
20 government if the computed amount of the payment is less
21 than \$100.

22 OFFICE OF THE SOLICITOR

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of the Solicitor,
25 \$51,356,000.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General, \$37,655,000.

5 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

6 FEDERAL TRUST PROGRAMS

7 For the operation of trust programs for Indians by
8 direct expenditure, contracts, cooperative agreements,
9 compacts, and grants, \$196,267,000, to remain available
10 until expended: *Provided*, That of the amounts available
11 under this heading not to exceed \$58,000,000 shall be
12 available for records collection and indexing, imaging and
13 coding, accounting for per capita and judgment accounts,
14 accounting for tribal accounts, reviewing and distributing
15 funds from special deposit accounts, and program man-
16 agement of the Office of Historical Trust Accounting, in-
17 cluding litigation support: *Provided further*, That funds for
18 trust management improvements and litigation support
19 may, as needed, be transferred to or merged with the Bu-
20 reau of Indian Affairs, "Operation of Indian Programs"
21 account; the Office of the Solicitor, "Salaries and Ex-
22 penses" account; and the Departmental Management,
23 "Salaries and Expenses" account: *Provided further*, That
24 funds made available to Tribes and Tribal organizations
25 through contracts or grants obligated during fiscal year

1 2005, as authorized by the Indian Self-Determination Act
2 of 1975 (25 U.S.C. 450 et seq.), shall remain available
3 until expended by the contractor or grantee: *Provided fur-*
4 *ther*, That notwithstanding any other provision of law, the
5 statute of limitations shall not commence to run on any
6 claim, including any claim in litigation pending on the date
7 of the enactment of this Act, concerning losses to or mis-
8 management of trust funds, until the affected tribe or in-
9 dividual Indian has been furnished with an accounting of
10 such funds from which the beneficiary can determine
11 whether there has been a loss: *Provided further*, That not-
12 withstanding any other provision of law, the Secretary
13 shall not be required to provide a quarterly statement of
14 performance for any Indian trust account that has not had
15 activity for at least 18 months and has a balance of \$1.00
16 or less: *Provided further*, That the Secretary shall issue
17 an annual account statement and maintain a record of any
18 such accounts and shall permit the balance in each such
19 account to be withdrawn upon the express written request
20 of the account holder: *Provided further*, That not to exceed
21 \$50,000 is available for the Secretary to make payments
22 to correct administrative errors of either disbursements
23 from or deposits to Individual Indian Money or Tribal ac-
24 counts after September 30, 2002: *Provided further*, That

1 erroneous payments that are recovered shall be credited
2 to and remain available in this account for this purpose.

3 INDIAN LAND CONSOLIDATION

4 For consolidation of fractional interests in Indian
5 lands and expenses associated with redetermining and re-
6 distributing escheated interests in allotted lands, and for
7 necessary expenses to carry out the Indian Land Consoli-
8 dation Act of 1983, as amended, by direct expenditure or
9 cooperative agreement, \$42,000,000, to remain available
10 until expended: *Provided*, That funds provided under this
11 heading may be expended pursuant to the authorities con-
12 tained in the provisos under the heading “Office of Special
13 Trustee for American Indians, Indian Land Consolida-
14 tion” of the Interior and Related Agencies Appropriations
15 Act, 2001 (Public Law 106–291).

16 NATURAL RESOURCES DAMAGE ASSESSMENT AND
17 RESTORATION

18 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

19 To conduct natural resource damage assessment and
20 restoration activities by the Department of the Interior
21 necessary to carry out the provisions of the Comprehensive
22 Environmental Response, Compensation, and Liability
23 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
24 Pollution Control Act, as amended (33 U.S.C. 1251 et
25 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)
26 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as

1 amended (16 U.S.C. 19jj et seq.), \$5,818,000, to remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS

4 There is hereby authorized for acquisition from avail-
5 able resources within the Working Capital Fund, 15 air-
6 craft, 10 of which shall be for replacement and which may
7 be obtained by donation, purchase or through available ex-
8 cess surplus property: *Provided*, That existing aircraft
9 being replaced may be sold, with proceeds derived or
10 trade-in value used to offset the purchase price for the
11 replacement aircraft: *Provided further*, That no programs
12 funded with appropriated funds in the “Departmental
13 Management”, “Office of the Solicitor”, and “Office of In-
14 spector General” may be augmented through the Working
15 Capital Fund: *Provided further*, That the annual budget
16 justification for Departmental Management shall describe
17 estimated Working Capital Fund charges to bureaus and
18 offices, including the methodology on which charges are
19 based: *Provided further*, That departures from the Work-
20 ing Capital Fund estimates contained in the Departmental
21 Management budget justification shall be presented to the
22 Committees on Appropriations for approval: *Provided fur-*
23 *ther*, That the Secretary shall provide a semi-annual re-
24 port to the Committees on Appropriations on reimbursable
25 support agreements between the Office of the Secretary
26 and the National Business Center and the bureaus and

1 offices of the Department, including the amounts billed
2 pursuant to such agreements.

3 GENERAL PROVISIONS, DEPARTMENT OF THE
4 INTERIOR

5 SEC. 101. Appropriations made in this title shall be
6 available for expenditure or transfer (within each bureau
7 or office), with the approval of the Secretary, for the emer-
8 gency reconstruction, replacement, or repair of aircraft,
9 buildings, utilities, or other facilities or equipment dam-
10 aged or destroyed by fire, flood, storm, or other unavoid-
11 able causes: *Provided*, That no funds shall be made avail-
12 able under this authority until funds specifically made
13 available to the Department of the Interior for emer-
14 gencies shall have been exhausted: *Provided further*, That
15 all funds used pursuant to this section are hereby des-
16 ignated by Congress to be “emergency requirements” pur-
17 suant to H. Res. 649 and section 402 of S. Con. Res.
18 95, the concurrent resolution on the budget for fiscal year
19 2005, and must be replenished by a supplemental appro-
20 priation which must be requested as promptly as possible.

21 SEC. 102. The Secretary may authorize the expendi-
22 ture or transfer of any no year appropriation in this title,
23 in addition to the amounts included in the budget pro-
24 grams of the several agencies, for the suppression or emer-
25 gency prevention of wildland fires on or threatening lands

1 under the jurisdiction of the Department of the Interior;
2 for the emergency rehabilitation of burned-over lands
3 under its jurisdiction; for emergency actions related to po-
4 tential or actual earthquakes, floods, volcanoes, storms, or
5 other unavoidable causes; for contingency planning subse-
6 quent to actual oil spills; for response and natural resource
7 damage assessment activities related to actual oil spills;
8 for the prevention, suppression, and control of actual or
9 potential grasshopper and Mormon cricket outbreaks on
10 lands under the jurisdiction of the Secretary, pursuant to
11 the authority in section 1773(b) of Public Law 99–198
12 (99 Stat. 1658); for emergency reclamation projects under
13 section 410 of Public Law 95–87; and shall transfer, from
14 any no year funds available to the Office of Surface Min-
15 ing Reclamation and Enforcement, such funds as may be
16 necessary to permit assumption of regulatory authority in
17 the event a primacy State is not carrying out the regu-
18 latory provisions of the Surface Mining Act: *Provided*,
19 That appropriations made in this title for wildland fire
20 operations shall be available for the payment of obligations
21 incurred during the preceding fiscal year, and for reim-
22 bursement to other Federal agencies for destruction of ve-
23 hicles, aircraft, or other equipment in connection with
24 their use for wildland fire operations, such reimbursement
25 to be credited to appropriations currently available at the

1 time of receipt thereof: *Provided further*, That for wildland
2 fire operations, no funds shall be made available under
3 this authority until the Secretary determines that funds
4 appropriated for “wildland fire operations” shall be ex-
5 hausted within 30 days: *Provided further*, That all funds
6 used pursuant to this section are hereby designated by
7 Congress to be “emergency requirements” pursuant to
8 section 402 of S. Con. Res. 95 (108th Congress), as made
9 applicable to the House of Representatives by H. Res. 649
10 (108th Congress), the concurrent resolution on the budget
11 for fiscal year 2005, and must be replenished by a supple-
12 mental appropriation which must be requested as prompt-
13 ly as possible: *Provided further*, That such replenishment
14 funds shall be used to reimburse, on a pro rata basis, ac-
15 counts from which emergency funds were transferred.

16 SEC. 103. Appropriations made to the Department
17 of the Interior shall hereafter be available for operation
18 of warehouses, garages, shops, and similar facilities, wher-
19 ever consolidation of activities will contribute to efficiency
20 or economy, and said appropriations shall be reimbursed
21 for services rendered to any other activity in the same
22 manner as authorized by sections 1535 and 1536 of title
23 31, United States Code: *Provided*, That reimbursements
24 for costs and supplies, materials, equipment, and for serv-

1 ices rendered may be credited to the appropriation current
2 at the time such reimbursements are received.

3 SEC. 104. Appropriations made to the Department
4 of the Interior in this title shall be available for services
5 as authorized by 5 U.S.C. 3109, when authorized by the
6 Secretary, in total amount not to exceed \$500,000; hire,
7 maintenance, and operation of aircraft; hire of passenger
8 motor vehicles; purchase of reprints; payment for tele-
9 phone service in private residences in the field, when au-
10 thorized under regulations approved by the Secretary; and
11 the payment of dues, when authorized by the Secretary,
12 for library membership in societies or associations which
13 issue publications to members only or at a price to mem-
14 bers lower than to subscribers who are not members.

15 SEC. 105. Appropriations available to the Depart-
16 ment of the Interior for salaries and expenses shall here-
17 after be available for uniforms or allowances therefor, as
18 authorized by law (5 U.S.C. 5901–5902 and D.C. Code
19 4–204).

20 SEC. 106. Annual appropriations made to the De-
21 partment of the Interior shall hereafter be available for
22 obligation in connection with contracts issued for services
23 or rentals for periods not in excess of 12 months beginning
24 at any time during the fiscal year.

1 SEC. 107. No funds provided in this title may be ex-
2 pended by the Department of the Interior for the conduct
3 of offshore preleasing, leasing and related activities placed
4 under restriction in the President's moratorium statement
5 of June 12, 1998, in the areas of northern, central, and
6 southern California; the North Atlantic; Washington and
7 Oregon; and the eastern Gulf of Mexico south of 26 de-
8 grees north latitude and east of 86 degrees west longitude.

9 SEC. 108. No funds provided in this title may be ex-
10 pended by the Department of the Interior to conduct off-
11 shore oil and natural gas preleasing, leasing and related
12 activities in the eastern Gulf of Mexico planning area for
13 any lands located outside Sale 181, as identified in the
14 final Outer Continental Shelf 5-Year Oil and Gas Leasing
15 Program, 1997–2002.

16 SEC. 109. No funds provided in this title may be ex-
17 pended by the Department of the Interior to conduct oil
18 and natural gas preleasing, leasing and related activities
19 in the Mid-Atlantic and South Atlantic planning areas.

20 SEC. 110. Notwithstanding any other provisions of
21 law, the National Park Service shall not develop or imple-
22 ment a reduced entrance fee program to accommodate
23 non-local travel through a unit. The Secretary may provide
24 for and regulate local non-recreational passage through
25 units of the National Park System, allowing each unit to

1 develop guidelines and permits for such activity appro-
2 priate to that unit.

3 SEC. 111. Advance payments made to the Depart-
4 ment of the Interior to Indian tribes, tribal organizations,
5 and tribal consortia pursuant to the Indian Self-Deter-
6 mination and Education Assistance Act (25 U.S.C. 450
7 et seq.) or the Tribally Controlled Schools Act of 1988
8 (25 U.S.C. 2501 et seq.) may hereafter be invested by the
9 Indian tribe, tribal organization, or consortium before
10 such funds are expended for the purposes of the grant,
11 compact, or annual funding agreement so long as such
12 funds are—

13 (1) invested by the Indian tribe, tribal organiza-
14 tion, or consortium only in obligations of the United
15 States, or in obligations or securities that are guar-
16 anteed or insured by the United States, or mutual
17 (or other) funds registered with the Securities and
18 Exchange Commission and which only invest in obli-
19 gations of the United States or securities that are
20 guaranteed or insured by the United States; or

21 (2) deposited only into accounts that are in-
22 sured by an agency or instrumentality of the United
23 States, or are fully collateralized to ensure protec-
24 tion of the funds, even in the event of a bank failure.

1 SEC. 112. Appropriations made in this Act under the
2 headings Bureau of Indian Affairs and Office of Special
3 Trustee for American Indians and any unobligated bal-
4 ances from prior appropriations Acts made under the
5 same headings shall be available for expenditure or trans-
6 fer for Indian trust management and reform activities, ex-
7 cept that total funding for historical accounting activities
8 shall not exceed amounts specifically designated in this
9 Act for such purpose.

10 SEC. 113. Notwithstanding any other provision of
11 law, for the purpose of reducing the backlog of Indian pro-
12 bate cases in the Department of the Interior, the hearing
13 requirements of chapter 10 of title 25, United States
14 Code, are deemed satisfied by a proceeding conducted by
15 an Indian probate judge, appointed by the Secretary with-
16 out regard to the provisions of title 5, United States Code,
17 governing the appointments in the competitive service, for
18 such period of time as the Secretary determines necessary:
19 *Provided*, That the basic pay of an Indian probate judge
20 so appointed may be fixed by the Secretary without regard
21 to the provisions of chapter 51, and subchapter III of
22 chapter 53 of title 5, United States Code, governing the
23 classification and pay of General Schedule employees, ex-
24 cept that no such Indian probate judge may be paid at
25 a level which exceeds the maximum rate payable for the

1 highest grade of the General Schedule, including locality
2 pay.

3 SEC. 114. Notwithstanding any other provision of
4 law, the Secretary of the Interior is authorized to redis-
5 tribute any Tribal Priority Allocation funds, including
6 tribal base funds, to alleviate tribal funding inequities by
7 transferring funds to address identified, unmet needs,
8 dual enrollment, overlapping service areas or inaccurate
9 distribution methodologies. No tribe shall receive a reduc-
10 tion in Tribal Priority Allocation funds of more than 10
11 percent in fiscal year 2005. Under circumstances of dual
12 enrollment, overlapping service areas or inaccurate dis-
13 tribution methodologies, the 10 percent limitation does not
14 apply.

15 SEC. 115. Funds appropriated for the Bureau of In-
16 dian Affairs for postsecondary schools for fiscal year 2005
17 shall be allocated among the schools proportionate to the
18 unmet need of the schools as determined by the Postsec-
19 ondary Funding Formula adopted by the Office of Indian
20 Education Programs.

21 SEC. 116. (a) The Secretary of the Interior shall take
22 such action as may be necessary to ensure that the lands
23 comprising the Huron Cemetery in Kansas City, Kansas
24 (as described in section 123 of Public Law 106–291) are
25 used only in accordance with this section.

1 (b) The lands of the Huron Cemetery shall be used
2 only: (1) for religious and cultural uses that are compat-
3 ible with the use of the lands as a cemetery; and (2) as
4 a burial ground.

5 SEC. 117. Notwithstanding any other provision of
6 law, in conveying the Twin Cities Research Center under
7 the authority provided by Public Law 104–134, as amend-
8 ed by Public Law 104–208, the Secretary may accept and
9 retain land and other forms of reimbursement: *Provided*,
10 That the Secretary may retain and use any such reim-
11 bursement until expended and without further appropria-
12 tion: (1) for the benefit of the National Wildlife Refuge
13 System within the State of Minnesota; and (2) for all ac-
14 tivities authorized by Public Law 100-696; 16 U.S.C.
15 460zz.

16 SEC. 118. Notwithstanding other provisions of law,
17 the National Park Service hereafter may authorize,
18 through cooperative agreement, the Golden Gate National
19 Parks Association to provide fee-based education, inter-
20 pretive and visitor service functions within the Crissy
21 Field and Fort Point areas of the Presidio.

22 SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums
23 received by the Bureau of Land Management for the sale
24 of seeds or seedlings, may hereafter be credited to the ap-
25 propriation from which funds were expended to acquire

1 or grow the seeds or seedlings and are available without
2 fiscal year limitation.

3 SEC. 120. The Secretary of the Interior may use or
4 contract for the use of helicopters or motor vehicles on
5 the Sheldon and Hart National Wildlife Refuges for the
6 purpose of capturing and transporting horses and burros.
7 The provisions of subsection (a) of the Act of September
8 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
9 use. Such use shall be in accordance with humane proce-
10 dures prescribed by the Secretary.

11 SEC. 121. Funds provided in this Act for Federal
12 land acquisition by the National Park Service for Shen-
13 andoah Valley Battlefields National Historic District, New
14 Jersey Pinelands Preserve, and Ice Age National Scenic
15 Trail may be used for a grant to a State, a local govern-
16 ment, or any other governmental land management entity
17 for the acquisition of lands without regard to any restric-
18 tion on the use of Federal land acquisition funds provided
19 through the Land and Water Conservation Fund Act of
20 1965 as amended.

21 SEC. 122. None of the funds made available by this
22 Act may be obligated or expended by the National Park
23 Service to enter into or implement a concession contract
24 which permits or requires the removal of the underground
25 lunchroom at the Carlsbad Caverns National Park.

1 SEC. 123. None of the funds made available in this
2 Act may be used: (1) to demolish the bridge between Jer-
3 sey City, New Jersey, and Ellis Island; or (2) to prevent
4 pedestrian use of such bridge, when such pedestrian use
5 is consistent with generally accepted safety standards.

6 SEC. 124. None of the funds made available in this
7 or any other Act for any fiscal year may be used to des-
8 ignate, or to post any sign designating, any portion of Ca-
9 naval National Seashore in Brevard County, Florida, as
10 a clothing-optional area or as an area in which public nu-
11 dity is permitted, if such designation would be contrary
12 to county ordinance.

13 SEC. 125. None of the funds in this or any other Act
14 can be used to compensate the Special Master and the
15 Special Master-Monitor, and all variations thereto, ap-
16 pointed by the United States District Court for the Dis-
17 trict of Columbia in the Cobell v. Norton litigation at an
18 annual rate that exceeds 200 percent of the highest Senior
19 Executive Service rate of pay for the Washington-Balti-
20 more locality pay area.

21 SEC. 126. The Secretary of the Interior may use dis-
22 cretionary funds to pay private attorneys fees and costs
23 for employees and former employees of the Department
24 of the Interior reasonably incurred in connection with
25 Cobell v. Norton to the extent that such fees and costs

1 are not paid by the Department of Justice or by private
2 insurance. In no case shall the Secretary make payments
3 under this section that would result in payment of hourly
4 fees in excess of the highest hourly rate approved by the
5 District Court for the District of Columbia for counsel in
6 *Cobell v. Norton*.

7 SEC. 127. The United States Fish and Wildlife Serv-
8 ice shall, in carrying out its responsibilities to protect
9 threatened and endangered species of salmon, implement
10 a system of mass marking of salmonid stocks, intended
11 for harvest, that are released from Federally operated or
12 Federally financed hatcheries including but not limited to
13 fish releases of coho, chinook, and steelhead species.
14 Marked fish must have a visible mark that can be readily
15 identified by commercial and recreational fishers.

16 SEC. 128. Such sums as may be necessary from “De-
17 partmental Management, Salaries and Expenses”, shall be
18 transferred to “United States Fish and Wildlife Service,
19 Resource Management” for operational needs at the Mid-
20 way Atoll National Wildlife Refuge airport.

21 SEC. 129. (a) IN GENERAL.—Nothing in section 134
22 of the Department of the Interior and Related Agencies
23 Appropriations Act, 2002 (115 Stat. 443) affects the deci-
24 sion of the United States Court of Appeals for the 10th

1 Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250
2 (2001).

3 (b) USE OF CERTAIN INDIAN LAND.—Nothing in this
4 section permits the conduct of gaming under the Indian
5 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land
6 described in section 123 of the Department of the Interior
7 and Related Agencies Appropriations Act, 2001 (114 Stat.
8 944), or land that is contiguous to that land, regardless
9 of whether the land or contiguous land has been taken
10 into trust by the Secretary of the Interior.

11 SEC. 130. No funds appropriated for the Department
12 of the Interior by this Act or any other Act shall be used
13 to study or implement any plan to drain Lake Powell or
14 to reduce the water level of the lake below the range of
15 water levels required for the operation of the Glen Canyon
16 Dam.

17 SEC. 131. Notwithstanding the limitation in subpara-
18 graph (2)(B) of section 18(a) of the Indian Gaming Regu-
19 latory Act (25 U.S.C. 2717(a)), the total amount of all
20 fees imposed by the National Indian Gaming Commission
21 for fiscal year 2006 shall not exceed \$12,000,000.

22 SEC. 132. Notwithstanding any implementation of
23 the Department of the Interior's trust reorganization plan
24 within fiscal years 2004 or 2005, funds appropriated for
25 fiscal year 2005 shall be available to the tribes within the

1 California Tribal Trust Reform Consortium and to the
2 Salt River Pima Maricopa Indian Community, the Confed-
3 erated Salish-Kootenai Tribes of the Flathead Reservation
4 and the Chippewa Cree Tribe of the Rocky Boys Reserva-
5 tion on the same basis as funds were distributed in fiscal
6 year 2004. This Demonstration Project shall operate sepa-
7 rate and apart from the Department of the Interior's trust
8 reform reorganization, and the Department shall not im-
9 pose its trust management infrastructure upon or alter the
10 existing trust resource management systems of the above
11 referenced tribes having a self-governance compact and
12 operating in accordance with the Tribal Self-Governance
13 Program set forth in 25 U.S.C. Sections 458aa–458hh:
14 *Provided*, That the California Trust Reform Consortium
15 and any other participating tribe agree to carry out their
16 responsibilities under the same fiduciary standards as
17 those to which the Secretary of the Interior is held: *Pro-*
18 *vided further*, That they demonstrate, and continue to
19 demonstrate, to the satisfaction of the Secretary that they
20 have the capability to do so.

21 SEC. 133. None of the funds appropriated or other-
22 wise made available by this or any other Act, hereafter
23 enacted, may be used to permit the use of the National
24 Mall for a special event, unless the permit expressly pro-
25 hibits the erection, placement, or use of structures and

1 signs bearing commercial advertising. The Secretary may
 2 allow for recognition of sponsors of special events: *Pro-*
 3 *vided*, That the size and form of the recognition shall be
 4 consistent with the special nature and sanctity of the Mall
 5 and any lettering or design identifying the sponsor shall
 6 be no larger than one-third the size of the lettering or de-
 7 sign identifying the special event. In approving special
 8 events, the Secretary shall ensure, to the maximum extent
 9 practicable, that public use of, and access to the Mall is
 10 not restricted. For purposes of this section, the term “spe-
 11 cial event” shall have the meaning given to it by section
 12 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

13 TITLE II—RELATED AGENCIES

14 DEPARTMENT OF AGRICULTURE

15 FOREST SERVICE

16 FOREST AND RANGELAND RESEARCH

17 For necessary expenses of forest and rangeland re-
 18 search as authorized by law, \$280,654,000, to remain
 19 available until expended: *Provided*, That of the funds pro-
 20 vided, \$52,714,000 is for the forest inventory and analysis
 21 program.

22 STATE AND PRIVATE FORESTRY

23 For necessary expenses of cooperating with and pro-
 24 viding technical and financial assistance to States, terri-
 25 tories, possessions, and others, and for forest health man-

1 agement, including treatments of pests, pathogens, and
2 invasive or noxious plants and for restoring and rehabili-
3 tating forests damaged by pests or invasive plants, cooper-
4 ative forestry, and education and land conservation activi-
5 ties and conducting an international program as author-
6 ized, \$282,446,000, to remain available until expended, as
7 authorized by law of which \$43,119,000 is to be derived
8 from the Land and Water Conservation Fund: *Provided*,
9 That none of the funds provided under this heading for
10 the acquisition of lands or interests in lands shall be avail-
11 able until the Forest Service notifies the House Committee
12 on Appropriations and the Senate Committee on Appro-
13 priations, in writing, of specific contractual and grant de-
14 tails including the non-Federal cost share.

15 NATIONAL FOREST SYSTEM

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, for management, protection, im-
18 provement, and utilization of the National Forest System,
19 \$1,399,599,000, to remain available until expended, which
20 shall include 50 percent of all moneys received during
21 prior fiscal years as fees collected under the Land and
22 Water Conservation Fund Act of 1965, as amended, in
23 accordance with section 4 of the Act (16 U.S.C. 460l-
24 6a(i)): *Provided*, That unobligated balances under this
25 heading available at the start of fiscal year 2005 shall be

1 displayed by budget line item in the fiscal year 2006 budg-
2 et justification: *Provided further*, That, through fiscal year
3 2009, the Secretary may authorize the expenditure or
4 transfer of such sums as necessary to the Department of
5 the Interior, Bureau of Land Management, for removal,
6 preparation, and adoption of excess wild horses and burros
7 from National Forest System lands, and for the perform-
8 ance of cadastral surveys to designate the boundaries of
9 such lands.

10 WILDLAND FIRE MANAGEMENT

11 For necessary expenses for forest fire presuppression
12 activities on National Forest System lands, for emergency
13 fire suppression on or adjacent to such lands or other
14 lands under fire protection agreement, hazardous fuels re-
15 duction on or adjacent to such lands, and for emergency
16 rehabilitation of burned-over National Forest System
17 lands and water, \$1,734,865,000, to remain available until
18 expended: *Provided*, That such funds including unobli-
19 gated balances under this heading, are available for repay-
20 ment of advances from other appropriations accounts pre-
21 viously transferred for such purposes: *Provided further*,
22 That such funds shall be available to reimburse State and
23 other cooperating entities for services provided in response
24 to wildfire and other emergencies or disasters to the extent
25 such reimbursements by the Forest Service for non-fire

1 emergencies are fully repaid by the responsible emergency
2 management agency: *Provided further*, That not less than
3 50 percent of any unobligated balances remaining (exclu-
4 sive of amounts for hazardous fuels reduction) at the end
5 of fiscal year 2004 shall be transferred, as repayment for
6 past advances that have not been repaid, to the fund es-
7 tablished pursuant to section 3 of Public Law 71–319 (16
8 U.S.C. 576 et seq.): *Provided further*, That notwith-
9 standing any other provision of law, \$8,000,000 of funds
10 appropriated under this appropriation shall be used for
11 Fire Science Research in support of the Joint Fire Science
12 Program: *Provided further*, That all authorities for the use
13 of funds, including the use of contracts, grants, and coop-
14 erative agreements, available to execute the Forest and
15 Rangeland Research appropriation, are also available in
16 the utilization of these funds for Fire Science Research:
17 *Provided further*, That funds provided shall be available
18 for emergency rehabilitation and restoration, hazardous
19 fuels reduction activities in the urban-wildland interface,
20 support to Federal emergency response, and wildfire sup-
21 pression activities of the Forest Service: *Provided further*,
22 That of the funds provided, \$266,238,000 is for hazardous
23 fuels reduction activities, \$13,000,000 is for rehabilitation
24 and restoration, \$23,000,000 is for research activities and
25 to make competitive research grants pursuant to the For-

1 est and Rangeland Renewable Resources Research Act, as
2 amended (16 U.S.C. 1641 et seq.), \$40,000,000 is for
3 State fire assistance, \$8,000,000 is for volunteer fire as-
4 sistance, \$15,000,000 is for forest health activities on
5 Federal lands and \$10,000,000 is for forest health activi-
6 ties on State and private lands: *Provided further*, That
7 amounts in this paragraph may be transferred to the
8 “State and Private Forestry”, “National Forest System”,
9 and “Forest and Rangeland Research” accounts to fund
10 State fire assistance, volunteer fire assistance, forest
11 health management, forest and rangeland research, vege-
12 tation and watershed management, heritage site rehabili-
13 tation, and wildlife and fish habitat management and res-
14 toration: *Provided further*, That transfers of any amounts
15 in excess of those authorized in this paragraph, shall re-
16 quire approval of the House and Senate Committees on
17 Appropriations in compliance with reprogramming proce-
18 dures contained in House Report 108–330: *Provided fur-*
19 *ther*, That the costs of implementing any cooperative
20 agreement between the Federal Government and any non-
21 Federal entity may be shared, as mutually agreed on by
22 the affected parties: *Provided further*, That in addition to
23 funds provided for State Fire Assistance programs, and
24 subject to all authorities available to the Forest Service
25 under the State and Private Forestry Appropriations, up

1 to \$15,000,000 may be used on adjacent non-Federal
2 lands for the purpose of protecting communities when haz-
3 ard reduction activities are planned on national forest
4 lands that have the potential to place such communities
5 at risk: *Provided further*, That included in funding for haz-
6 ardous fuel reduction is \$5,000,000 for implementing the
7 Community Forest Restoration Act, Public Law 106–393,
8 title VI, and any portion of such funds shall be available
9 for use on non-Federal lands in accordance with authori-
10 ties available to the Forest Service under the State and
11 Private Forestry Appropriation: *Provided further*, That in
12 using the funds provided in this Act for hazardous fuels
13 reduction activities, the Secretary of Agriculture may con-
14 duct fuel reduction treatments on Federal lands using all
15 contracting and hiring authorities available to the Sec-
16 retary applicable to hazardous fuel reduction activities
17 under the wildland fire management accounts: *Provided*
18 *further*, That notwithstanding Federal Government pro-
19 curement and contracting laws, the Secretaries may con-
20 duct fuel reduction treatments, rehabilitation and restora-
21 tion, and other activities authorized under this heading on
22 and adjacent to Federal lands using grants and coopera-
23 tive agreements: *Provided further*, That notwithstanding
24 Federal Government procurement and contracting laws, in
25 order to provide employment and training opportunities

1 to people in rural communities, the Secretaries may award
2 contracts, including contracts for monitoring activities, to
3 local private, non-profit, or cooperative entities; Youth
4 Conservation Corps crews or related partnerships, with
5 State, local and non-profit youth groups; small or micro-
6 businesses; or other entities that will hire or train a sig-
7 nificant percentage of local people to complete such con-
8 tracts: *Provided further*, That the authorities described
9 above relating to contracts, grants, and cooperative agree-
10 ments are available until all funds provided in this title
11 for hazardous fuels reduction activities in the urban
12 wildland interface are obligated: *Provided further*, That
13 the Secretary of the Interior and the Secretary of Agri-
14 culture may authorize the transfer of funds appropriated
15 for wildland fire management, in an aggregate amount not
16 to exceed \$12,000,000, between the Departments when
17 such transfers would facilitate and expedite jointly funded
18 wildland fire management programs and projects.

19 CAPITAL IMPROVEMENT AND MAINTENANCE

20 For necessary expenses of the Forest Service, not
21 otherwise provided for, \$522,940,000, to remain available
22 until expended for construction, reconstruction, mainte-
23 nance and acquisition of buildings and other facilities, and
24 for construction, reconstruction, repair, decommissioning,
25 and maintenance of forest roads and trails by the Forest

1 Service as authorized by 16 U.S.C. 532–538 and 23
2 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
3 of the funds provided herein for road maintenance shall
4 be available for the decommissioning of roads, including
5 unauthorized roads not part of the transportation system,
6 which are no longer needed: *Provided further*, That no
7 funds shall be expended to decommission any system road
8 until notice and an opportunity for public comment has
9 been provided on each decommissioning project.

10 LAND ACQUISITION

11 For expenses necessary to carry out the provisions
12 of the Land and Water Conservation Fund Act of 1965,
13 as amended (16 U.S.C. 460l–4 through 11), including ad-
14 ministrative expenses, and for acquisition of land or wa-
15 ters, or interest therein, in accordance with statutory au-
16 thority applicable to the Forest Service, \$15,500,000, to
17 be derived from the Land and Water Conservation Fund
18 and to remain available until expended.

19 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

20 ACTS

21 For acquisition of lands within the exterior bound-
22 aries of the Cache, Uinta, and Wasatch National Forests,
23 Utah; the Toiyabe National Forest, Nevada; and the An-
24 geles, San Bernardino, Sequoia, and Cleveland National

1 Forests, California, as authorized by law, \$1,069,000, to
2 be derived from forest receipts.

3 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

4 For acquisition of lands, such sums, to be derived
5 from funds deposited by State, county, or municipal gov-
6 ernments, public school districts, or other public school au-
7 thorities, and for authorized expenditures from funds de-
8 posited by non-Federal parties pursuant to Land Sale and
9 Exchange Acts, pursuant to the Act of December 4, 1967,
10 as amended (16 U.S.C. 484a), to remain available until
11 expended.

12 RANGE BETTERMENT FUND

13 For necessary expenses of range rehabilitation, pro-
14 tection, and improvement, 50 percent of all moneys re-
15 ceived during the prior fiscal year, as fees for grazing do-
16 mestic livestock on lands in National Forests in the 16
17 Western States, pursuant to section 401(b)(1) of Public
18 Law 94-579, as amended, to remain available until ex-
19 pended, of which not to exceed 6 percent shall be available
20 for administrative expenses associated with on-the-ground
21 range rehabilitation, protection, and improvements.

1 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
2 RANGELAND RESEARCH

3 For expenses authorized by 16 U.S.C. 1643(b),
4 \$65,000, to remain available until expended, to be derived
5 from the fund established pursuant to the above Act.

6 MANAGEMENT OF NATIONAL FOREST LANDS FOR
7 SUBSISTENCE USES

8 For necessary expenses of the Forest Service to man-
9 age Federal lands in Alaska for subsistence uses under
10 title VIII of the Alaska National Interest Lands Conserva-
11 tion Act (Public Law 96-487), \$5,962,000 available until
12 expended.

13 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

14 Appropriations to the Forest Service for the current
15 fiscal year shall be available for: (1) purchase of not to
16 exceed 124 passenger motor vehicles of which 21 will be
17 used primarily for law enforcement purposes and of which
18 124 shall be for replacement; acquisition of 25 passenger
19 motor vehicles from excess sources, and hire of such vehi-
20 cles; purchase, operation, maintenance, and acquisition of
21 aircraft from excess sources to maintain the operable fleet
22 at 195 aircraft for use in Forest Service wildland fire pro-
23 grams and other Forest Service programs; notwith-
24 standing other provisions of law, existing aircraft being
25 replaced may be sold, with proceeds derived or trade-in
26 value used to offset the purchase price for the replacement

1 aircraft; (2) services pursuant to 7 U.S.C. 2225, and not
2 to exceed \$100,000 for employment under 5 U.S.C. 3109;
3 (3) purchase, erection, and alteration of buildings and
4 other public improvements (7 U.S.C. 2250); (4) acquisi-
5 tion of land, waters, and interests therein pursuant to 7
6 U.S.C. 428a; (5) for expenses pursuant to the Volunteers
7 in the National Forest Act of 1972 (16 U.S.C. 558a,
8 558d, and 558a note); (6) the cost of uniforms as author-
9 ized by 5 U.S.C. 5901–5902; and (7) for debt collection
10 contracts in accordance with 31 U.S.C. 3718(c).

11 Any appropriations or funds available to the Forest
12 Service may be transferred to the Wildland Fire Manage-
13 ment appropriation for forest firefighting, emergency re-
14 habilitation of burned-over or damaged lands or waters
15 under its jurisdiction, and fire preparedness due to severe
16 burning conditions upon notification of the House and
17 Senate Committees on Appropriations and if and only if
18 all previously appropriated emergency contingent funds
19 under the heading “Wildland Fire Management” have
20 been released by the President and apportioned and all
21 wildfire suppression funds under the heading “Wildland
22 Fire Management” are obligated.

23 The first transfer of funds into the Wildland Fire
24 Management account shall include unobligated funds, if
25 available, from the Land Acquisition account and the For-

1 est Legacy program within the State and Private Forestry
2 account.

3 Funds appropriated to the Forest Service shall be
4 available for assistance to or through the Agency for Inter-
5 national Development and the Foreign Agricultural Serv-
6 ice in connection with forest and rangeland research, tech-
7 nical information, and assistance in foreign countries, and
8 shall be available to support forestry and related natural
9 resource activities outside the United States and its terri-
10 tories and possessions, including technical assistance, edu-
11 cation and training, and cooperation with United States
12 and international organizations.

13 None of the funds made available to the Forest Serv-
14 ice under this Act shall be subject to transfer under the
15 provisions of section 702(b) of the Department of Agri-
16 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
17 147b.

18 None of the funds appropriated or otherwise made
19 available by this Act shall be used to pay the salaries and
20 expenses of personnel to carry out section 8002 of the
21 Farm Security and Rural Investment Act of 2002.

22 None of the funds available to the Forest Service may
23 be reprogrammed without the advance approval of the
24 House and Senate Committees on Appropriations in ac-

1 cordance with the reprogramming procedures contained in
2 House Report 108–330.

3 Not more than \$72,467,000 of the funds available to
4 the Forest Service shall be transferred to the Working
5 Capital Fund of the Department of Agriculture.

6 Funds available to the Forest Service shall be avail-
7 able to conduct a program of not less than \$2,000,000
8 for high priority projects within the scope of the approved
9 budget which shall be carried out by the Youth Conserva-
10 tion Corps.

11 Of the funds available to the Forest Service, \$2,500
12 is available to the Chief of the Forest Service for official
13 reception and representation expenses.

14 Pursuant to sections 405(b) and 410(b) of Public
15 Law 101–593, of the funds available to the Forest Service,
16 \$3,300,000 may be advanced in a lump sum to the Na-
17 tional Forest Foundation to aid conservation partnership
18 projects in support of the Forest Service mission, without
19 regard to when the Foundation incurs expenses, for ad-
20 ministrative expenses or projects on or benefitting Na-
21 tional Forest System lands or related to Forest Service
22 programs: *Provided*, That of the Federal funds made
23 available to the Foundation, \$300,000 may be used for
24 Forest Service Centennial activities and, of the total avail-
25 able to the Foundation, no more than \$350,000 shall be

1 available for administrative expenses: *Provided further,*
2 That the Foundation shall obtain, by the end of the period
3 of Federal financial assistance, private contributions to
4 match on at least one-for-one basis funds made available
5 by the Forest Service: *Provided further,* That the Founda-
6 tion may transfer Federal funds to a non-Federal recipient
7 for a project at the same rate that the recipient has ob-
8 tained the non-Federal matching funds: *Provided further,*
9 That authorized investments of Federal funds held by the
10 Foundation may be made only in interest-bearing obliga-
11 tions of the United States or in obligations guaranteed as
12 to both principal and interest by the United States.

13 Pursuant to section 2(b)(2) of Public Law 98-244,
14 \$2,650,000 of the funds available to the Forest Service
15 shall be available for matching funds to the National Fish
16 and Wildlife Foundation, as authorized by 16 U.S.C.
17 3701-3709, and may be advanced in a lump sum to aid
18 conservation partnership projects in support of the Forest
19 Service mission, without regard to when expenses are in-
20 curred, for projects on or benefitting National Forest Sys-
21 tem lands or related to Forest Service programs: *Provided,*
22 That the Foundation shall obtain, by the end of the period
23 of Federal financial assistance, private contributions to
24 match on at least one-for-one basis funds advanced by the
25 Forest Service: *Provided further,* That the Foundation

1 may transfer Federal funds to a non-Federal recipient for
2 a project at the same rate that the recipient has obtained
3 the non-Federal matching funds.

4 Funds appropriated to the Forest Service shall be
5 available for interactions with and providing technical as-
6 sistance to rural communities for sustainable rural devel-
7 opment purposes.

8 Funds appropriated to the Forest Service shall be
9 available for payments to counties within the Columbia
10 River Gorge National Scenic Area, pursuant to sections
11 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
12 663.

13 Notwithstanding any other provision of law, any ap-
14 propriations or funds available to the Forest Service not
15 to exceed \$500,000 may be used to reimburse the Office
16 of the General Counsel (OGC), Department of Agri-
17 culture, for travel and related expenses incurred as a re-
18 sult of OGC assistance or participation requested by the
19 Forest Service at meetings, training sessions, management
20 reviews, land purchase negotiations and similar non-litiga-
21 tion related matters. Future budget justifications for both
22 the Forest Service and the Department of Agriculture
23 should clearly display the sums previously transferred and
24 the requested funding transfers.

1 Any appropriations or funds available to the Forest
2 Service may be used for necessary expenses in the event
3 of law enforcement emergencies as necessary to protect
4 natural resources and public or employee safety: *Provided*,
5 That such amounts shall not exceed \$1,000,000.

6 For each fiscal year through 2009, the Secretary of
7 Agriculture may transfer or reimburse funds available to
8 the Forest Service, not to exceed \$15,000,000, to the Sec-
9 retary of the Interior or the Secretary of Commerce to
10 expedite conferencing and consultations as required under
11 section 7 of the Endangered Species Act, 16 U.S.C. 1536.
12 The amount of the transfer or reimbursement shall be as
13 mutually agreed by the Secretary of Agriculture and the
14 Secretary of the Interior or Secretary of Commerce, as
15 applicable, or their designees. The amount shall in no case
16 exceed the actual costs of consultation and conferencing.

17 An eligible individual who is employed in any project
18 funded under title V of the Older American Act of 1965
19 (42 U.S.C. 3056 et seq.) and administered by the Forest
20 Service shall be considered to be a Federal employee for
21 purposes of chapter 171 of title 28, United States Code.

22 Any funds appropriated to the Forest Service may
23 be used to meet the non-Federal share requirement in sec-
24 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
25 3056(c)(2)).

1 DEPARTMENT OF ENERGY

2 CLEAN COAL TECHNOLOGY

3 (DEFERRAL)

4 Of the funds made available under this heading for
5 obligation in prior years, \$237,000,000 shall not be avail-
6 able until October 1, 2005, *Provided*, That funds made
7 available in previous appropriations Acts shall be available
8 for any ongoing project regardless of the separate request
9 for proposal under which the project was selected: *Pro-*
10 *vided further*, That of the funds made available in prior
11 year appropriations under this heading, up to \$18,000,000
12 shall be available in fiscal year 2005 for FutureGen, with-
13 out regard to the terms and conditions applicable to clean
14 coal technology projects: *Provided further*, That the initial
15 planning and research stages of the FutureGen project
16 shall include a matching requirement from non-Federal
17 sources of at least 20 percent of the costs: *Provided fur-*
18 *ther*, That any demonstration component of such project
19 shall include a matching requirement from non-Federal
20 sources of at least 50 percent of the costs of the compo-
21 nent.

22 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

23 For necessary expenses in carrying out fossil energy
24 research and development activities, under the authority
25 of the Department of Energy Organization Act (Public

1 Law 95–91), including the acquisition of interest, includ-
2 ing defeasible and equitable interests in any real property
3 or any facility or for plant or facility acquisition or expan-
4 sion, and for conducting inquiries, technological investiga-
5 tions and research concerning the extraction, processing,
6 use, and disposal of mineral substances without objection-
7 able social and environmental costs (30 U.S.C. 3, 1602,
8 and 1603), \$601,875,000, to remain available until ex-
9 pended, of which \$4,000,000 is to continue a multi-year
10 project for construction, renovation, furnishing, and demo-
11 lition or removal of buildings at National Energy Tech-
12 nology Laboratory facilities in Morgantown, West Virginia
13 and Pittsburgh, Pennsylvania; and of which \$105,000,000
14 is available, after coordination with the private sector, for
15 a request for proposals for a Clean Coal Power Initiative
16 providing for competitively-awarded research, develop-
17 ment, and demonstration projects to reduce the barriers
18 to continued and expanded coal use: *Provided further*,
19 That no project may be selected for which sufficient fund-
20 ing is not available to provide for the total project: *Pro-*
21 *vided further*, That funds shall be expended in accordance
22 with the provisions governing the use of funds contained
23 under the heading “Clean Coal Technology” in 42 U.S.C.
24 5903d: *Provided further*, That the Department may in-
25 clude provisions for repayment of Government contribu-

1 tions to individual projects in an amount up to the Govern-
2 ment contribution to the project on terms and conditions
3 that are acceptable to the Department including repay-
4 ments from sale and licensing of technologies from both
5 domestic and foreign transactions: *Provided further*, That
6 such repayments shall be retained by the Department for
7 future coal-related research, development and demonstra-
8 tion projects: *Provided further*, That any technology se-
9 lected under this program shall be considered a Clean Coal
10 Technology, and any project selected under this program
11 shall be considered a Clean Coal Technology Project, for
12 the purposes of 42 U.S.C. 7651n, and Chapters 51, 52,
13 and 60 of title 40 of the Code of Federal Regulations:
14 *Provided further*, That no part of the sum herein made
15 available shall be used for the field testing of nuclear ex-
16 plosives in the recovery of oil and gas: *Provided further*,
17 That up to 4 percent of program direction funds available
18 to the National Energy Technology Laboratory may be
19 used to support Department of Energy activities not in-
20 cluded in this account.

21 NAVAL PETROLEUM AND OIL SHALE RESERVES

22 For expenses necessary to carry out naval petroleum
23 and oil shale reserve activities, \$18,000,000, to remain
24 available until expended: *Provided*, That, notwithstanding
25 any other provision of law, unobligated funds remaining

1 from prior years shall be available for all naval petroleum
2 and oil shale reserve activities.

3 ELK HILLS SCHOOL LANDS FUND

4 For necessary expenses in fulfilling installment pay-
5 ments under the Settlement Agreement entered into by
6 the United States and the State of California on October
7 11, 1996, as authorized by section 3415 of Public Law
8 104–106, \$36,000,000, to become available on October 1,
9 2005 for payment to the State of California for the State
10 Teachers' Retirement Fund from the Elk Hills School
11 Lands Fund.

12 ENERGY CONSERVATION

13 For necessary expenses in carrying out energy con-
14 servation activities, \$656,071,000, to remain available
15 until expended, of which \$45,098,000 shall be for State
16 energy program grants.

17 STRATEGIC PETROLEUM RESERVE

18 For necessary expenses for Strategic Petroleum Re-
19 serve facility development and operations and program
20 management activities pursuant to the Energy Policy and
21 Conservation Act of 1975, as amended (42 U.S.C. 6201
22 et seq.), \$172,100,000, to remain available until expended.

23 NORTHEAST HOME HEATING OIL RESERVE

24 For necessary expenses for Northeast Home Heating
25 Oil Reserve storage, operations, and management activi-

1 ties pursuant to the Energy Policy and Conservation Act
2 of 2000, \$5,000,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

4 For necessary expenses in carrying out the activities
5 of the Energy Information Administration, \$85,000,000,
6 to remain available until expended.

7 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

8 Appropriations under this Act for the current fiscal
9 year shall be available for hire of passenger motor vehicles;
10 hire, maintenance, and operation of aircraft; purchase, re-
11 pair, and cleaning of uniforms; and reimbursement to the
12 General Services Administration for security guard serv-
13 ices.

14 From appropriations under this Act, transfers of
15 sums may be made to other agencies of the Government
16 for the performance of work for which the appropriation
17 is made.

18 None of the funds made available to the Department
19 of Energy under this Act shall be used to implement or
20 finance authorized price support or loan guarantee pro-
21 grams unless specific provision is made for such programs
22 in an appropriations Act.

23 The Secretary is authorized to accept lands, build-
24 ings, equipment, and other contributions from public and
25 private sources and to prosecute projects in cooperation

1 with other agencies, Federal, State, private or foreign:
2 *Provided*, That revenues and other moneys received by or
3 for the account of the Department of Energy or otherwise
4 generated by sale of products in connection with projects
5 of the Department appropriated under this Act may be
6 retained by the Secretary of Energy, to be available until
7 expended, and used only for plant construction, operation,
8 costs, and payments to cost-sharing entities as provided
9 in appropriate cost-sharing contracts or agreements: *Pro-*
10 *vided further*, That the remainder of revenues after the
11 making of such payments shall be covered, into the Treas-
12 ury as miscellaneous receipts: *Provided further*, That any
13 contract, agreement, or provision thereof entered into by
14 the Secretary pursuant to this authority shall not be exe-
15 cuted prior to the expiration of 30 calendar days (not in-
16 cluding any day in which either House of Congress is not
17 in session because of adjournment of more than 3 calendar
18 days to a day certain) from the receipt by the Speaker
19 of the House of Representatives and the President of the
20 Senate of a full comprehensive report on such project, in-
21 cluding the facts and circumstances relied upon in support
22 of the proposed project.

23 No funds provided in this Act may be expended by
24 the Department of Energy to prepare, issue, or process

1 procurement documents for programs or projects for
2 which appropriations have not been made.

3 In addition to other authorities set forth in this Act,
4 the Secretary may accept fees and contributions from pub-
5 lic and private sources, to be deposited in a contributed
6 funds account, and prosecute projects using such fees and
7 contributions in cooperation with other Federal, State or
8 private agencies or concerns.

9 DEPARTMENT OF HEALTH AND HUMAN
10 SERVICES

11 INDIAN HEALTH SERVICE

12 INDIAN HEALTH SERVICES

13 For expenses necessary to carry out the Act of Au-
14 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
15 tion Act, the Indian Health Care Improvement Act, and
16 titles II and III of the Public Health Service Act with re-
17 spect to the Indian Health Service, \$2,628,322,000, to-
18 gether with payments received during the fiscal year pur-
19 suant to 42 U.S.C. 238(b) for services furnished by the
20 Indian Health Service: *Provided*, That funds made avail-
21 able to tribes and tribal organizations through contracts,
22 grant agreements, or any other agreements or compacts
23 authorized by the Indian Self-Determination and Edu-
24 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
25 deemed to be obligated at the time of the grant or contract

1 award and thereafter shall remain available to the tribe
2 or tribal organization without fiscal year limitation: *Pro-*
3 *vided further*, That up to \$18,000,000 shall remain avail-
4 able until expended, for the Indian Catastrophic Health
5 Emergency Fund: *Provided further*, That \$479,085,000
6 for contract medical care shall remain available for obliga-
7 tion until September 30, 2006: *Provided further*, That of
8 the funds provided, up to \$27,000,000 to remain available
9 until expended, shall be used to carry out the loan repay-
10 ment program under section 108 of the Indian Health
11 Care Improvement Act: *Provided further*, That funds pro-
12 vided in this Act may be used for one-year contracts and
13 grants which are to be performed in two fiscal years, so
14 long as the total obligation is recorded in the year for
15 which the funds are appropriated: *Provided further*, That
16 the amounts collected by the Secretary of Health and
17 Human Services under the authority of title IV of the In-
18 dian Health Care Improvement Act shall remain available
19 until expended for the purpose of achieving compliance
20 with the applicable conditions and requirements of titles
21 XVIII and XIX of the Social Security Act (exclusive of
22 planning, design, or construction of new facilities): *Pro-*
23 *vided further*, That funding contained herein, and in any
24 earlier appropriations Acts for scholarship programs
25 under the Indian Health Care Improvement Act (25

1 U.S.C. 1613) shall remain available until expended: *Pro-*
2 *vided further*, That amounts received by tribes and tribal
3 organizations under title IV of the Indian Health Care Im-
4 provement Act shall be reported and accounted for and
5 available to the receiving tribes and tribal organizations
6 until expended: *Provided further*, That, notwithstanding
7 any other provision of law, of the amounts provided herein,
8 not to exceed \$267,398,000 shall be for payments to tribes
9 and tribal organizations for contract or grant support
10 costs associated with contracts, grants, self-governance
11 compacts or annual funding agreements between the In-
12 dian Health Service and a tribe or tribal organization pur-
13 suant to the Indian Self-Determination Act of 1975, as
14 amended, prior to or during fiscal year 2005, of which
15 not to exceed \$2,500,000 may be used for contract sup-
16 port costs associated with new or expanded self-determina-
17 tion contracts, grants, self-governance compacts or annual
18 funding agreements: *Provided further*, That funds avail-
19 able for the Indian Health Care Improvement Fund may
20 be used, as needed, to carry out activities typically funded
21 under the Indian Health Facilities account.

22 INDIAN HEALTH FACILITIES

23 For construction, repair, maintenance, improvement,
24 and equipment of health and related auxiliary facilities,
25 including quarters for personnel; preparation of plans,

1 specifications, and drawings; acquisition of sites, purchase
2 and erection of modular buildings, and purchases of trail-
3 ers; and for provision of domestic and community sanita-
4 tion facilities for Indians, as authorized by section 7 of
5 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
6 Self-Determination Act, and the Indian Health Care Im-
7 provement Act, and for expenses necessary to carry out
8 such Acts and titles II and III of the Public Health Serv-
9 ice Act with respect to environmental health and facilities
10 support activities of the Indian Health Service,
11 \$405,048,000, to remain available until expended: *Pro-*
12 *vided*, That notwithstanding any other provision of law,
13 funds appropriated for the planning, design, construction
14 or renovation of health facilities for the benefit of an In-
15 dian tribe or tribes may be used to purchase land for sites
16 to construct, improve, or enlarge health or related facili-
17 ties: *Provided further*, That not to exceed \$500,000 shall
18 be used by the Indian Health Service to purchase
19 TRANSAM equipment from the Department of Defense
20 for distribution to the Indian Health Service and tribal
21 facilities: *Provided further*, That none of the funds appro-
22 priated to the Indian Health Service may be used for sani-
23 tation facilities construction for new homes funded with
24 grants by the housing programs of the United States De-
25 partment of Housing and Urban Development: *Provided*

1 *further*, That not to exceed \$1,000,000 from this account
2 and the “Indian Health Services” account shall be used
3 by the Indian Health Service to obtain ambulances for the
4 Indian Health Service and tribal facilities in conjunction
5 with an existing interagency agreement between the In-
6 dian Health Service and the General Services Administra-
7 tion: *Provided further*, That not to exceed \$500,000 shall
8 be placed in a Demolition Fund, available until expended,
9 to be used by the Indian Health Service for demolition
10 of Federal buildings: *Provided further*, That up to
11 \$2,700,000 may be used for the purchase of up to 27 acres
12 at two sites for the construction of the northern and
13 southern California Youth Regional Treatment Centers
14 subject to advance approval from the House and Senate
15 Committees on Appropriations.

16 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

17 Appropriations in this Act to the Indian Health Serv-
18 ice shall be available for services as authorized by 5 U.S.C.
19 3109 but at rates not to exceed the per diem rate equiva-
20 lent to the maximum rate payable for senior-level positions
21 under 5 U.S.C. 5376; hire of passenger motor vehicles and
22 aircraft; purchase of medical equipment; purchase of re-
23 prints; purchase, renovation and erection of modular
24 buildings and renovation of existing facilities; payments
25 for telephone service in private residences in the field,

1 when authorized under regulations approved by the Sec-
2 retary; and for uniforms or allowances therefor as author-
3 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
4 ance at meetings which are concerned with the functions
5 or activities for which the appropriation is made or which
6 will contribute to improved conduct, supervision, or man-
7 agement of those functions or activities.

8 In accordance with the provisions of the Indian
9 Health Care Improvement Act, non-Indian patients may
10 be extended health care at all tribally administered or In-
11 dian Health Service facilities, subject to charges, and the
12 proceeds along with funds recovered under the Federal
13 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
14 be credited to the account of the facility providing the
15 service and shall be available without fiscal year limitation.
16 Notwithstanding any other law or regulation, funds trans-
17 ferred from the Department of Housing and Urban Devel-
18 opment to the Indian Health Service shall be administered
19 under Public Law 86–121 (the Indian Sanitation Facili-
20 ties Act) and Public Law 93–638, as amended.

21 Funds appropriated to the Indian Health Service in
22 this Act, except those used for administrative and program
23 direction purposes, shall not be subject to limitations di-
24 rected at curtailing Federal travel and transportation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used for any assess-
3 ments or charges by the Department of Health and
4 Human Services unless identified in the budget justifica-
5 tion and provided in this Act, or approved by the House
6 and Senate Committees on Appropriations through the re-
7 programming process. Personnel ceilings may not be im-
8 posed on the Indian Health Service nor may any action
9 be taken to reduce the full time equivalent level of the
10 Indian Health Service below the level in fiscal year 2002
11 adjusted upward for the staffing of new and expanded fa-
12 cilities, funding provided for staffing at the Lawton, Okla-
13 homa hospital in fiscal years 2003 and 2004, critical posi-
14 tions not filled in fiscal year 2002, and staffing necessary
15 to carry out the intent of Congress with regard to program
16 increases.

17 Notwithstanding any other provision of law, funds
18 previously or herein made available to a tribe or tribal or-
19 ganization through a contract, grant, or agreement au-
20 thorized by title I or title III or title V of the Indian Self-
21 Determination and Education Assistance Act of 1975 (25
22 U.S.C. 450), may be deobligated and reobligated to a self-
23 determination contract under title I, or a self-governance
24 agreement under title V of such Act and thereafter shall

1 remain available to the tribe or tribal organization without
2 fiscal year limitation.

3 None of the funds made available to the Indian
4 Health Service in this Act shall be used to implement the
5 final rule published in the Federal Register on September
6 16, 1987, by the Department of Health and Human Serv-
7 ices, relating to the eligibility for the health care services
8 of the Indian Health Service until the Indian Health Serv-
9 ice has submitted a budget request reflecting the increased
10 costs associated with the proposed final rule, and such re-
11 quest has been included in an appropriations Act and en-
12 acted into law.

13 With respect to functions transferred by the Indian
14 Health Service to tribes or tribal organizations, the Indian
15 Health Service is authorized to provide goods and services
16 to those entities, on a reimbursable basis, including pay-
17 ment in advance with subsequent adjustment. The reim-
18 bursements received therefrom, along with the funds re-
19 ceived from those entities pursuant to the Indian Self-De-
20 termination Act, may be credited to the same or subse-
21 quent appropriation account which provided the funding.
22 Such amounts shall remain available until expended.

23 Reimbursements for training, technical assistance, or
24 services provided by the Indian Health Service will contain
25 total costs, including direct, administrative, and overhead

1 associated with the provision of goods, services, or tech-
2 nical assistance.

3 The Indian Health Service may purchase 8.5 acres
4 of land for expansion of parking facilities at the W.W.
5 Hastings hospital in Tahlequah, Oklahoma using third
6 party collections subject to advance approval from the
7 House and Senate Committees on Appropriations.

8 The appropriation structure for the Indian Health
9 Service may not be altered without advance approval of
10 the House and Senate Committees on Appropriations.

11 OTHER RELATED AGENCIES

12 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Navajo and
15 Hopi Indian Relocation as authorized by Public Law 93–
16 531, \$11,000,000, to remain available until expended:
17 *Provided*, That funds provided in this or any other appro-
18 priations Act are to be used to relocate eligible individuals
19 and groups including evictees from District 6, Hopi-parti-
20 tioned lands residents, those in significantly substandard
21 housing, and all others certified as eligible and not in-
22 cluded in the preceding categories: *Provided further*, That
23 none of the funds contained in this or any other Act may
24 be used by the Office of Navajo and Hopi Indian Reloca-
25 tion to evict any single Navajo or Navajo family who, as

1 of November 30, 1985, was physically domiciled on the
2 lands partitioned to the Hopi Tribe unless a new or re-
3 placement home is provided for such household: *Provided*
4 *further*, That no relocatee will be provided with more than
5 one new or replacement home: *Provided further*, That the
6 Office shall relocate any certified eligible relocatees who
7 have selected and received an approved homesite on the
8 Navajo reservation or selected a replacement residence off
9 the Navajo reservation or on the land acquired pursuant
10 to 25 U.S.C. 640d–10.

11 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

12 CULTURE AND ARTS DEVELOPMENT

13 PAYMENT TO THE INSTITUTE

14 For payment to the Institute of American Indian and
15 Alaska Native Culture and Arts Development, as author-
16 ized by title XV of Public Law 99–498, as amended (20
17 U.S.C. 56 part A), \$6,000,000.

18 SMITHSONIAN INSTITUTION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Smithsonian Institu-
21 tion, as authorized by law, including research in the fields
22 of art, science, and history; development, preservation, and
23 documentation of the National Collections; presentation of
24 public exhibits and performances; collection, preparation,
25 dissemination, and exchange of information and publica-

1 tions; conduct of education, training, and museum assist-
2 ance programs; maintenance, alteration, operation, lease
3 (for terms not to exceed 30 years), and protection of build-
4 ings, facilities, and approaches; not to exceed \$100,000
5 for services as authorized by 5 U.S.C. 3109; up to five
6 replacement passenger vehicles; purchase, rental, repair,
7 and cleaning of uniforms for employees, \$496,925,000, of
8 which not to exceed \$11,108,000 for the instrumentation
9 program, collections acquisition, exhibition reinstallation,
10 the National Museum of African American History and
11 Culture, and the repatriation of skeletal remains program
12 shall remain available until expended; and of which
13 \$1,620,000 for fellowships and scholarly awards shall re-
14 main available until September 30, 2006; and including
15 such funds as may be necessary to support American over-
16 seas research centers and a total of \$125,000 for the
17 Council of American Overseas Research Centers: *Provided*,
18 That funds appropriated herein are available for advance
19 payments to independent contractors performing research
20 services or participating in official Smithsonian presen-
21 tations: *Provided further*, That the Smithsonian Institu-
22 tion may expend Federal appropriations designated in this
23 Act for lease or rent payments for long term and swing
24 space, as rent payable to the Smithsonian Institution, and
25 such rent payments may be deposited into the general

1 trust funds of the Institution to the extent that federally
2 supported activities are housed in the 900 H Street, N.W.
3 building in the District of Columbia: *Provided further,*
4 That this use of Federal appropriations shall not be con-
5 strued as debt service, a Federal guarantee of, a transfer
6 of risk to, or an obligation of, the Federal Government:
7 *Provided further,* That no appropriated funds may be used
8 to service debt which is incurred to finance the costs of
9 acquiring the 900 H Street building or of planning, de-
10 signing, and constructing improvements to such building.

11 FACILITIES CAPITAL

12 For necessary expenses of repair, revitalization, and
13 alteration of facilities owned or occupied by the Smithso-
14 nian Institution, by contract or otherwise, as authorized
15 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
16 and for construction, including necessary personnel,
17 \$122,900,000, to remain available until expended, of
18 which not to exceed \$10,000 is for services as authorized
19 by 5 U.S.C. 3109: *Provided,* That contracts awarded for
20 environmental systems, protection systems, and repair or
21 restoration of facilities of the Smithsonian Institution may
22 be negotiated with selected contractors and awarded on
23 the basis of contractor qualifications as well as price: *Pro-*
24 *vided further,* That balances from amounts previously ap-
25 propriated under the headings "Repair, Restoration and

1 Alteration of Facilities” and “Construction” shall be
2 transferred to and merged with this appropriation and
3 shall remain until expended.

4 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
5 INSTITUTION

6 None of the funds in this or any other Act may be
7 used to make any changes to the existing Smithsonian
8 science programs including closure of facilities, relocation
9 of staff or redirection of functions and programs without
10 approval from the Board of Regents of recommendations
11 received from the Science Commission.

12 None of the funds in this or any other Act may be
13 used to initiate the design for any proposed expansion of
14 current space or new facility without consultation with the
15 House and Senate Appropriations Committees.

16 None of the funds in this or any other Act may be
17 used for the Holt House located at the National Zoological
18 Park in Washington, D.C., unless identified as repairs to
19 minimize water damage, monitor structure movement, or
20 provide interim structural support.

21 None of the funds available to the Smithsonian may
22 be reprogrammed without the advance written approval of
23 the House and Senate Committees on Appropriations in
24 accordance with the reprogramming procedures contained
25 in the statement of the managers accompanying this Act.

1 None of the funds in this or any other Act may be
2 used to purchase any additional buildings without prior
3 consultation with the House and Senate Committees on
4 Appropriations.

5 NATIONAL GALLERY OF ART

6 SALARIES AND EXPENSES

7 For the upkeep and operations of the National Gal-
8 lery of Art, the protection and care of the works of art
9 therein, and administrative expenses incident thereto, as
10 authorized by the Act of March 24, 1937 (50 Stat. 51),
11 as amended by the public resolution of April 13, 1939
12 (Public Resolution 9, Seventy-sixth Congress), including
13 services as authorized by 5 U.S.C. 3109; payment in ad-
14 vance when authorized by the treasurer of the Gallery for
15 membership in library, museum, and art associations or
16 societies whose publications or services are available to
17 members only, or to members at a price lower than to the
18 general public; purchase, repair, and cleaning of uniforms
19 for guards, and uniforms, or allowances therefor, for other
20 employees as authorized by law (5 U.S.C. 5901–5902);
21 purchase or rental of devices and services for protecting
22 buildings and contents thereof, and maintenance, alter-
23 ation, improvement, and repair of buildings, approaches,
24 and grounds; and purchase of services for restoration and
25 repair of works of art for the National Gallery of Art by

1 contracts made, without advertising, with individuals,
2 firms, or organizations at such rates or prices and under
3 such terms and conditions as the Gallery may deem prop-
4 er, \$93,000,000, of which not to exceed \$3,026,000 for
5 the special exhibition program shall remain available until
6 expended.

7 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

8 For necessary expenses of repair, restoration and
9 renovation of buildings, grounds and facilities owned or
10 occupied by the National Gallery of Art, by contract or
11 otherwise, as authorized, \$11,100,000, to remain available
12 until expended: *Provided*, That contracts awarded for envi-
13 ronmental systems, protection systems, and exterior repair
14 or renovation of buildings of the National Gallery of Art
15 may be negotiated with selected contractors and awarded
16 on the basis of contractor qualifications as well as price.

17 JOHN F. KENNEDY CENTER FOR THE PERFORMING

18 ARTS

19 OPERATIONS AND MAINTENANCE

20 For necessary expenses for the operation, mainte-
21 nance and security of the John F. Kennedy Center for
22 the Performing Arts, \$17,152,000.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 CONSTRUCTION

4 For necessary expenses for capital repair and restora-
5 tion of the existing features of the building and site of
6 the John F. Kennedy Center for the Performing Arts,
7 \$10,000,000, to remain available until expended.

8 WOODROW WILSON INTERNATIONAL CENTER FOR
9 SCHOLARS
10 SALARIES AND EXPENSES

11 For expenses necessary in carrying out the provisions
12 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
13 1356) including hire of passenger vehicles and services as
14 authorized by 5 U.S.C. 3109, \$8,987,000.

15 NATIONAL FOUNDATION ON THE ARTS AND THE
16 HUMANITIES
17 NATIONAL ENDOWMENT FOR THE ARTS
18 GRANTS AND ADMINISTRATION

19 For necessary expenses to carry out the National
20 Foundation on the Arts and the Humanities Act of 1965,
21 as amended, \$130,972,000, shall be available to the Na-
22 tional Endowment for the Arts for the support of projects
23 and productions in the arts through assistance to organi-
24 zations and individuals pursuant to sections 5(c) and 5(g)
25 of the Act, including \$22,000,000 for support of arts edu-

1 cation and public outreach activities through the Chal-
2 lenge America program, for program support, and for ad-
3 ministering the functions of the Act, to remain available
4 until expended: *Provided*, That funds previously appro-
5 priated to the National Endowment for the Arts “Match-
6 ing Grants” account and “Challenge America” account
7 may be transferred to and merged with this account.

8 NATIONAL ENDOWMENT FOR THE HUMANITIES

9 GRANTS AND ADMINISTRATION

10 For necessary expenses to carry out the National
11 Foundation on the Arts and the Humanities Act of 1965,
12 as amended, \$125,877,000, shall be available to the Na-
13 tional Endowment for the Humanities for support of ac-
14 tivities in the humanities, pursuant to section 7(c) of the
15 Act, and for administering the functions of the Act, to
16 remain available until expended.

17 MATCHING GRANTS

18 To carry out the provisions of section 10(a)(2) of the
19 National Foundation on the Arts and the Humanities Act
20 of 1965, as amended, \$16,122,000, to remain available
21 until expended, of which \$10,436,000 shall be available
22 to the National Endowment for the Humanities for the
23 purposes of section 7(h): *Provided*, That this appropria-
24 tion shall be available for obligation only in such amounts
25 as may be equal to the total amounts of gifts, bequests,
26 and devises of money, and other property accepted by the

1 chairman or by grantees of the Endowment under the pro-
2 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
3 the current and preceding fiscal years for which equal
4 amounts have not previously been appropriated.

5 ADMINISTRATIVE PROVISIONS

6 None of the funds appropriated to the National
7 Foundation on the Arts and the Humanities may be used
8 to process any grant or contract documents which do not
9 include the text of 18 U.S.C. 1913: *Provided*, That none
10 of the funds appropriated to the National Foundation on
11 the Arts and the Humanities may be used for official re-
12 ception and representation expenses: *Provided further*,
13 That funds from nonappropriated sources may be used as
14 necessary for official reception and representation ex-
15 penses: *Provided further*, That the Chairperson of the Na-
16 tional Endowment for the Arts may approve grants up to
17 \$10,000, if in the aggregate this amount does not exceed
18 5 percent of the sums appropriated for grant-making pur-
19 poses per year: *Provided further*, That such small grant
20 actions are taken pursuant to the terms of an expressed
21 and direct delegation of authority from the National Coun-
22 cil on the Arts to the Chairperson.

1 COMMISSION OF FINE ARTS

2 SALARIES AND EXPENSES

3 For expenses made necessary by the Act establishing
4 a Commission of Fine Arts (40 U.S.C. 104), \$1,793,000:
5 *Provided*, That the Commission is authorized to charge
6 fees to cover the full costs of its publications, and such
7 fees shall be credited to this account as an offsetting col-
8 lection, to remain available until expended without further
9 appropriation.

10 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

11 For necessary expenses as authorized by Public Law
12 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

13 ADVISORY COUNCIL ON HISTORIC PRESERVATION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Advisory Council on
16 Historic Preservation (Public Law 89–665, as amended),
17 \$4,600,000: *Provided*, That none of these funds shall be
18 available for compensation of level V of the Executive
19 Schedule or higher positions.

20 NATIONAL CAPITAL PLANNING COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses, as authorized by the Na-
23 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
24 including services as authorized by 5 U.S.C. 3109,
25 \$7,999,000: *Provided*, That one-quarter of one percent of
26 the funds provided under this heading may be used for

1 official reception and representational expenses to host
2 international visitors engaged in the planning and physical
3 development of world capitals.

4 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
5 HOLOCAUST MEMORIAL MUSEUM

6 For expenses of the Holocaust Memorial Museum, as
7 authorized by Public Law 106–292 (36 U.S.C. 2301–
8 2310), \$41,433,000, of which \$1,900,000 for the muse-
9 um’s repair and rehabilitation program and \$1,264,000
10 for the museum’s exhibitions program shall remain avail-
11 able until expended.

12 PRESIDIO TRUST
13 PRESIDIO TRUST FUND

14 For necessary expenses to carry out title I of the Om-
15 nibus Parks and Public Lands Management Act of 1996,
16 \$20,000,000 shall be available to the Presidio Trust, to
17 remain available until expended.

18 TITLE III—GENERAL PROVISIONS

19 SEC. 301. The expenditure of any appropriation
20 under this Act for any consulting service through procure-
21 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
22 to those contracts where such expenditures are a matter
23 of public record and available for public inspection, except
24 where otherwise provided under existing law, or under ex-
25 isting Executive order issued pursuant to existing law.

1 SEC. 302. No part of any appropriation contained in
2 this Act shall be available for any activity or the publica-
3 tion or distribution of literature that in any way tends to
4 promote public support or opposition to any legislative
5 proposal on which congressional action is not complete.

6 SEC. 303. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 304. None of the funds provided in this Act to
10 any department or agency shall be obligated or expended
11 to provide a personal cook, chauffeur, or other personal
12 servants to any officer or employee of such department
13 or agency except as otherwise provided by law.

14 SEC. 305. No assessments may be levied against any
15 program, budget activity, subactivity, or project funded by
16 this Act unless notice of such assessments and the basis
17 therefor are presented to the Committees on Appropria-
18 tions and are approved by such committees.

19 SEC. 306. None of the funds in this Act may be used
20 to plan, prepare, or offer for sale timber from trees classi-
21 fied as giant sequoia (*Sequoiadendron giganteum*) which
22 are located on National Forest System or Bureau of Land
23 Management lands in a manner different than such sales
24 were conducted in fiscal year 2004.

1 SEC. 307. (a) LIMITATION OF FUNDS.—None of the
2 funds appropriated or otherwise made available pursuant
3 to this Act shall be obligated or expended to accept or
4 process applications for a patent for any mining or mill
5 site claim located under the general mining laws.

6 (b) EXCEPTIONS.—The provisions of subsection (a)
7 shall not apply if the Secretary of the Interior determines
8 that, for the claim concerned: (1) a patent application was
9 filed with the Secretary on or before September 30, 1994;
10 and (2) all requirements established under sections 2325
11 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
12 for vein or lode claims and sections 2329, 2330, 2331,
13 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
14 37) for placer claims, and section 2337 of the Revised
15 Statutes (30 U.S.C. 42) for mill site claims, as the case
16 may be, were fully complied with by the applicant by that
17 date.

18 (c) REPORT.—On September 30, 2005, the Secretary
19 of the Interior shall file with the House and Senate Com-
20 mittees on Appropriations and the Committee on Re-
21 sources of the House of Representatives and the Com-
22 mittee on Energy and Natural Resources of the Senate
23 a report on actions taken by the Department under the
24 plan submitted pursuant to section 314(c) of the Depart-

1 ment of the Interior and Related Agencies Appropriations
2 Act, 1997 (Public Law 104-208).

3 (d) MINERAL EXAMINATIONS.—In order to process
4 patent applications in a timely and responsible manner,
5 upon the request of a patent applicant, the Secretary of
6 the Interior shall allow the applicant to fund a qualified
7 third-party contractor to be selected by the Bureau of
8 Land Management to conduct a mineral examination of
9 the mining claims or mill sites contained in a patent appli-
10 cation as set forth in subsection (b). The Bureau of Land
11 Management shall have the sole responsibility to choose
12 and pay the third-party contractor in accordance with the
13 standard procedures employed by the Bureau of Land
14 Management in the retention of third-party contractors.

15 SEC. 308. Notwithstanding any other provision of
16 law, amounts appropriated to or earmarked in committee
17 reports for the Bureau of Indian Affairs and the Indian
18 Health Service by Public Laws 103-138, 103-332, 104-
19 134, 104-208, 105-83, 105-277, 106-113, 106-291,
20 107-63, 108-7, and 108-108 for payments to tribes and
21 tribal organizations for contract support costs associated
22 with self-determination or self-governance contracts,
23 grants, compacts, or annual funding agreements with the
24 Bureau of Indian Affairs or the Indian Health Service as
25 funded by such Acts, are the total amounts available for

1 fiscal years 1994 through 2004 for such purposes, except
2 that, for the Bureau of Indian Affairs, tribes and tribal
3 organizations may use their tribal priority allocations for
4 unmet indirect costs of ongoing contracts, grants, self-gov-
5 ernance compacts or annual funding agreements.

6 SEC. 309. Of the funds provided to the National En-
7 dowment for the Arts—

8 (1) The Chairperson shall only award a grant
9 to an individual if such grant is awarded to such in-
10 dividual for a literature fellowship, National Herit-
11 age Fellowship, or American Jazz Masters Fellow-
12 ship.

13 (2) The Chairperson shall establish procedures
14 to ensure that no funding provided through a grant,
15 except a grant made to a State or local arts agency,
16 or regional group, may be used to make a grant to
17 any other organization or individual to conduct ac-
18 tivity independent of the direct grant recipient.
19 Nothing in this subsection shall prohibit payments
20 made in exchange for goods and services.

21 (3) No grant shall be used for seasonal support
22 to a group, unless the application is specific to the
23 contents of the season, including identified programs
24 and/or projects.

1 SEC. 310. Through fiscal year 2009, the National
2 Endowment for the Arts and the National Endowment for
3 the Humanities are authorized to solicit, accept, receive,
4 and invest in the name of the United States, gifts, be-
5 quests, or devises of money and other property or services
6 and to use such in furtherance of the functions of the Na-
7 tional Endowment for the Arts and the National Endow-
8 ment for the Humanities. Any proceeds from such gifts,
9 bequests, or devises, after acceptance by the National En-
10 dowment for the Arts or the National Endowment for the
11 Humanities, shall be paid by the donor or the representa-
12 tive of the donor to the Chairman. The Chairman shall
13 enter the proceeds in a special interest-bearing account to
14 the credit of the appropriate endowment for the purposes
15 specified in each case.

16 SEC. 311. The section shall apply for fiscal years
17 2005 through 2009. (a) In providing services or awarding
18 financial assistance under the National Foundation on the
19 Arts and the Humanities Act of 1965 from funds appro-
20 priated under this Act, the Chairperson of the National
21 Endowment for the Arts shall ensure that priority is given
22 to providing services or awarding financial assistance for
23 projects, productions, workshops, or programs that serve
24 underserved populations.

25 (b) In this section:

1 (1) The term “underserved population” means
2 a population of individuals, including urban minori-
3 ties, who have historically been outside the purview
4 of arts and humanities programs due to factors such
5 as a high incidence of income below the poverty line
6 or to geographic isolation.

7 (2) The term “poverty line” means the poverty
8 line (as defined by the Office of Management and
9 Budget, and revised annually in accordance with sec-
10 tion 673(2) of the Community Services Block Grant
11 Act (42 U.S.C. 9902(2)) applicable to a family of
12 the size involved.

13 (c) In providing services and awarding financial as-
14 sistance under the National Foundation on the Arts and
15 Humanities Act of 1965 with funds appropriated by this
16 Act, the Chairperson of the National Endowment for the
17 Arts shall ensure that priority is given to providing serv-
18 ices or awarding financial assistance for projects, produc-
19 tions, workshops, or programs that will encourage public
20 knowledge, education, understanding, and appreciation of
21 the arts.

22 (d) With funds appropriated by this Act to carry out
23 section 5 of the National Foundation on the Arts and Hu-
24 manities Act of 1965—

1 (1) the Chairperson shall establish a grant cat-
2 egory for projects, productions, workshops, or pro-
3 grams that are of national impact or availability or
4 are able to tour several States;

5 (2) the Chairperson shall not make grants ex-
6 ceeding 15 percent, in the aggregate, of such funds
7 to any single State, excluding grants made under the
8 authority of paragraph (1);

9 (3) the Chairperson shall report to the Con-
10 gress annually and by State, on grants awarded by
11 the Chairperson in each grant category under sec-
12 tion 5 of such Act; and

13 (4) the Chairperson shall encourage the use of
14 grants to improve and support community-based
15 music performance and education.

16 SEC. 312. No part of any appropriation contained in
17 this Act shall be expended or obligated to complete and
18 issue the 5-year program under the Forest and Rangeland
19 Renewable Resources Planning Act.

20 SEC. 313. None of the funds in this Act may be used
21 to support Government-wide administrative functions un-
22 less such functions are justified in the budget process and
23 funding is approved by the House and Senate Committees
24 on Appropriations.

1 SEC. 314. Notwithstanding any other provision of
2 law, for fiscal year 2005 the Secretaries of Agriculture and
3 the Interior are authorized to limit competition for water-
4 shed restoration project contracts as part of the “Jobs in
5 the Woods” Program established in Region 10 of the For-
6 est Service to individuals and entities in historically tim-
7 ber-dependent areas in the States of Washington, Oregon,
8 northern California, Idaho, Montana, and Alaska that
9 have been affected by reduced timber harvesting on Fed-
10 eral lands. The Secretaries shall consider the benefits to
11 the local economy in evaluating bids and designing pro-
12 curements which create economic opportunities for local
13 contractors.

14 SEC. 315. Amounts deposited during fiscal year 2004
15 in the roads and trails fund provided for in the 14th para-
16 graph under the heading “FOREST SERVICE” of the
17 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
18 be used by the Secretary of Agriculture, without regard
19 to the State in which the amounts were derived, to repair
20 or reconstruct roads, bridges, and trails on National For-
21 est System lands or to carry out and administer projects
22 to improve forest health conditions, which may include the
23 repair or reconstruction of roads, bridges, and trails on
24 National Forest System lands in the wildland-community
25 interface where there is an abnormally high risk of fire.

1 The projects shall emphasize reducing risks to human
2 safety and public health and property and enhancing eco-
3 logical functions, long-term forest productivity, and bio-
4 logical integrity. The projects may be completed in a sub-
5 sequent fiscal year. Funds shall not be expended under
6 this section to replace funds which would otherwise appro-
7 priately be expended from the timber salvage sale fund.
8 Nothing in this section shall be construed to exempt any
9 project from any environmental law.

10 SEC. 316. Other than in emergency situations, none
11 of the funds in this Act may be used to operate telephone
12 answering machines during core business hours unless
13 such answering machines include an option that enables
14 callers to reach promptly an individual on-duty with the
15 agency being contacted.

16 SEC. 317. Section 3 of the Act of June 9, 1930 (com-
17 monly known as the Knutson-Vandenberg Act; 16 U.S.C.
18 576b), is amended—

19 (1) by striking “The Secretary of Agriculture
20 may, when in his” and inserting “(a) The Secretary
21 of Agriculture may, when in his or her”;

22 (2) by striking “Such deposits” and inserting
23 the following: “Each of these 4 purposes shall be of
24 equal priority.

25 “(b) Amounts deposited under subsection (a)”;

1 (3) by striking “may direct:” and all that fol-
2 lows through “That the Secretary of Agriculture”
3 and inserting “may direct. The Secretary of Agri-
4 culture”; and

5 (4) by adding at the end the following new sub-
6 section:

7 “(c) Any portion of the balance at the end of a fiscal
8 year in the special fund established pursuant to this sec-
9 tion that the Secretary of Agriculture determines to be
10 in excess of the cost of doing work described in subsection
11 (a) (as well as any portion of the balance in the special
12 fund that the Secretary determined, before October 1,
13 2004, to be excess of the cost of doing work described in
14 subsection (a), but which has not been transferred by that
15 date) shall be transferred to miscellaneous receipts, Na-
16 tional Forest Fund, as a National Forest receipt, but only
17 if the Secretary also determines that—

18 “(1) the excess amounts will not be needed for
19 emergency wildfire suppression during the fiscal year
20 in which the transfer would be made; and

21 “(2) the amount to be transferred to miscella-
22 neous receipts, National Forest Fund, exceeds the
23 outstanding balance of unreimbursed funds trans-
24 ferred from the special fund in prior fiscal years for
25 wildfire suppression.”.

1 SEC. 318. A project undertaken by the Forest Service
2 under the Recreation Fee Demonstration Program as au-
3 thorized by section 315 of the Department of the Interior
4 and Related Agencies Appropriations Act for Fiscal Year
5 1996, as amended, shall not result in—

6 (1) displacement of the holder of an authoriza-
7 tion to provide commercial recreation services on
8 Federal lands. Prior to initiating any project, the
9 Secretary shall consult with potentially affected
10 holders to determine what impacts the project may
11 have on the holders. Any modifications to the au-
12 thorization shall be made within the terms and con-
13 ditions of the authorization and authorities of the
14 impacted agency; and

15 (2) the return of a commercial recreation serv-
16 ice to the Secretary for operation when such services
17 have been provided in the past by a private sector
18 provider, except when—

19 (A) the private sector provider fails to bid
20 on such opportunities;

21 (B) the private sector provider terminates
22 its relationship with the agency; or

23 (C) the agency revokes the permit for non-
24 compliance with the terms and conditions of the
25 authorization.

1 In such cases, the agency may use the Recreation Fee
2 Demonstration Program to provide for operations until a
3 subsequent operator can be found through the offering of
4 a new prospectus.

5 SEC. 319. Prior to October 1, 2005, the Secretary
6 of Agriculture shall not be considered to be in violation
7 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
8 Renewable Resources Planning Act of 1974 (16 U.S.C.
9 1604(f)(5)(A)) solely because more than 15 years have
10 passed without revision of the plan for a unit of the Na-
11 tional Forest System. Nothing in this section exempts the
12 Secretary from any other requirement of the Forest and
13 Rangeland Renewable Resources Planning Act (16 U.S.C.
14 1600 et seq.) or any other law.

15 SEC. 320. No funds provided in this Act may be ex-
16 pended to conduct preleasing, leasing and related activities
17 under either the Mineral Leasing Act (30 U.S.C. 181 et
18 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
19 1331 et seq.) within the boundaries of a National Monu-
20 ment established pursuant to the Act of June 8, 1906 (16
21 U.S.C. 431 et seq.) as such boundary existed on January
22 20, 2001, except where such activities are allowed under
23 the Presidential proclamation establishing such monu-
24 ment.

1 SEC. 321. Extension of Forest Service Conveyances
2 Pilot Program.—Section 329 of the Department of the In-
3 terior and Related Agencies Appropriations Act, 2002 (16
4 U.S.C. 580d note; Public Law 107–63) is amended—

5 (1) in subsection (b), by striking “30” and in-
6 serting “40”;

7 (2) in subsection (c) by striking “8” and insert-
8 ing “13”; and

9 (3) in subsection (d), by striking “2006” and
10 inserting “2008”.

11 SEC. 322. Employees of the foundations established
12 by Acts of Congress to solicit private sector funds on be-
13 half of Federal land management agencies shall, hereafter,
14 qualify for General Service Administration contract air-
15 fares.

16 SEC. 323. In entering into agreements with foreign
17 countries pursuant to the Wildfire Suppression Assistance
18 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
19 the Secretary of the Interior are authorized to enter into
20 reciprocal agreements in which the individuals furnished
21 under said agreements to provide wildfire services are con-
22 sidered, for purposes of tort liability, employees of the
23 country receiving said services when the individuals are
24 engaged in fire suppression: *Provided*, That the Secretary
25 of Agriculture or the Secretary of the Interior shall not

1 enter into any agreement under this provision unless the
2 foreign country (either directly or through its fire organi-
3 zation) agrees to assume any and all liability for the acts
4 or omissions of American firefighters engaged in fire-
5 fighting in a foreign country: *Provided further*, That when
6 an agreement is reached for furnishing fire fighting serv-
7 ices, the only remedies for acts or omissions committed
8 while fighting fires shall be those provided under the laws
9 of the host country, and those remedies shall be the exclu-
10 sive remedies for any claim arising out of fighting fires
11 in a foreign country: *Provided further*, That neither the
12 sending country nor any legal organization associated with
13 the firefighter shall be subject to any legal action whatso-
14 ever pertaining to or arising out of the firefighter's role
15 in fire suppression.

16 SEC. 324. Notwithstanding any other provision of law
17 or regulation, to promote the more efficient use of the
18 health care funding allocation for fiscal year 2005, the
19 Eagle Butte Service Unit of the Indian Health Service,
20 at the request of the Cheyenne River Sioux Tribe, may
21 pay base salary rates to health professionals up to the
22 highest grade and step available to a physician, phar-
23 macist, or other health professional and may pay a recruit-
24 ment or retention bonus of up to 25 percent above the
25 base pay rate.

1 SEC. 325. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriations Act.

6 SEC. 326. None of the funds in this Act may be used
7 to prepare or issue a permit or lease for oil or gas drilling
8 in the Finger Lakes National Forest, New York, during
9 fiscal year 2005.

10 SEC. 327. None of the funds made available in this
11 Act may be used for the planning, design, or construction
12 of improvements to Pennsylvania Avenue in front of the
13 White House without the advance approval of the Commit-
14 tees on Appropriations.

15 SEC. 328. In awarding a Federal Contract with funds
16 made available by this Act, the Secretary of Agriculture
17 and the Secretary of the Interior (the “Secretaries”) may,
18 in evaluating bids and proposals, give consideration to
19 local contractors who are from, and who provide employ-
20 ment and training for, dislocated and displaced workers
21 in an economically disadvantaged rural community, in-
22 cluding those historically timber-dependent areas that
23 have been affected by reduced timber harvesting on Fed-
24 eral lands and other forest-dependent rural communities
25 isolated from significant alternative employment opportu-

1 nities: *Provided*, That the Secretaries may award grants
2 or cooperative agreements to local non-profit entities,
3 Youth Conservation Corps or related partnerships with
4 State, local or non-profit youth groups, or small or dis-
5 advantaged business: *Provided further*, That the contract,
6 grant, or cooperative agreement is for forest hazardous
7 fuels reduction, watershed or water quality monitoring or
8 restoration, wildlife or fish population monitoring, or habi-
9 tat restoration or management: *Provided further*, That the
10 terms “rural community” and “economically disadvan-
11 taged” shall have the same meanings as in section 2374
12 of Public Law 101–624: *Provided further*, That the Secre-
13 taries shall develop guidance to implement this section:
14 *Provided further*, That nothing in this section shall be con-
15 strued as relieving the Secretaries of any duty under appli-
16 cable procurement laws, except as provided in this section.

17 SEC. 329. No funds appropriated in this Act for the
18 acquisition of lands or interests in lands may be expended
19 for the filing of declarations of taking or complaints in
20 condemnation without the approval of the House and Sen-
21 ate Committees on Appropriations: *Provided*, That this
22 provision shall not apply to funds appropriated to imple-
23 ment the Everglades National Park Protection and Ex-
24 pansion Act of 1989, or to funds appropriated for Federal

1 assistance to the State of Florida to acquire lands for Ev-
2 erglades restoration purposes.

3 SEC. 330. Section 315(f) of the Department of the
4 Interior and Related Agencies Appropriations Act, 1996
5 (as contained in section 101(c) of Public Law 104-134;
6 110 Stat. 1321-200; 16 U.S.C. 460l-6a note), is amend-
7 ed—

8 (1) in subsection (b), by inserting “subject to
9 subsection (g) but” before “notwithstanding” in the
10 matter preceding paragraph (1); and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) The Secretary of Agriculture may not charge or
14 collect fees under this section for the following:

15 “(1) Admission to a unit of the National Forest
16 System (as defined in section 11(a) of the Forest
17 and Rangeland Renewable Resources Planning Act
18 of 1974 (16 U.S.C. 1609(a)).

19 “(2) the use of, either singly or in any combina-
20 tion, of the following:

21 “(A) undesignated parking along roads;

22 “(B) overlook sites or scenic pullouts;

23 “(C) information offices and centers that
24 only provide general area information and lim-
25 ited services or interpretive exhibits; and

1 “(D) dispersed areas for which expendi-
2 tures in facilities or services are limited.”.

3 SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS
4 ON COMPETITIVE SOURCING ACTIVITIES.—

5 (1) Not later than December 31 of each year,
6 beginning with December 31, 2004, the Secretary
7 concerned shall submit to the Committees on Appro-
8 priations of the Senate and the House of Represent-
9 atives a report, covering the preceding fiscal year, on
10 the competitive sourcing studies conducted by the
11 Department of the Interior, the Forest Service, or
12 the Department of Energy, as appropriate, and the
13 costs and cost savings to the citizens of the United
14 States of such studies.

15 (2) In this subsection, the term “Secretary con-
16 cerned” means—

17 (A) the Secretary of the Interior, with re-
18 spect to the Department of the Interior pro-
19 grams, projects, and activities for which funds
20 are appropriated by this Act;

21 (B) the Secretary of Agriculture, with re-
22 spect to the Forest Service; and

23 (C) the Secretary of Energy, with respect
24 to the Department of Energy programs,

1 projects, and activities for which funds are ap-
2 propriated by this Act.

3 (3) The report under this subsection shall in-
4 clude, for the fiscal year covered—

5 (A) the total number of competitions com-
6 pleted;

7 (B) the total number of competitions an-
8 nounced, together with a list of the activities
9 covered by such competitions;

10 (C) the total number of full-time equiva-
11 lent Federal employees studied under completed
12 competitions;

13 (D) the total number of full-time equiva-
14 lent Federal employees being studied under
15 competitions announced, but not completed;

16 (E) the incremental cost directly attrib-
17 utable to conducting the competitions identified
18 under subparagraphs (A) and (B), including
19 costs attributable to paying outside consultants
20 and contractors and, in accordance with full
21 cost accounting principles, all costs attributable
22 to developing, implementing, supporting, man-
23 aging, monitoring, and reporting on competitive
24 sourcing, including personnel, consultant, trav-

1 el, and training costs associated with program
2 management;

3 (F) an estimate of the total anticipated
4 savings, or a quantifiable description of im-
5 provements in service or performance, derived
6 from completed competitions;

7 (G) actual savings, or a quantifiable de-
8 scription of improvements in service or perform-
9 ance, derived from the implementation of com-
10 petitions;

11 (H) the total projected number of full-time
12 equivalent Federal employees covered by com-
13 petitions scheduled to be announced in the fis-
14 cal year; and

15 (I) a description of how the competitive
16 sourcing decision making processes are aligned
17 with strategic workforce plans.

18 (b) COMPETITIVE SOURCING EXEMPTION FOR FOR-
19 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
20 YEAR 2005.—Notwithstanding requirements of Office of
21 Management and Budget Circular A-76, Attachment B,
22 the Forest Service is hereby exempted from implementing
23 the Letter of Obligation and post-competition account-
24 ability guidelines where a competitive sourcing study in-
25 volved 65 or fewer full-time equivalents, the performance

1 decision was made in favor of the agency provider; no net
2 savings was achieved by conducting the study, and the
3 study was completed prior to the date of this Act.

4 (c) LIMITATION ON COMPETITIVE SOURCING STUD-
5 IES.—

6 (1) Of the funds made available by this or any
7 other Act to the Department of Energy or the De-
8 partment of the Interior for fiscal year 2005, not
9 more than the maximum amount specified in para-
10 graph (2)(A) may be used by the Secretary of En-
11 ergy or the Secretary of the Interior to initiate or
12 continue competitive sourcing studies in fiscal year
13 2005 for programs, projects, and activities for which
14 funds are appropriated by this Act until such time
15 as the Secretary concerned submits a reprogram-
16 ming proposal to the Committees on Appropriations
17 of the Senate and the House of Representatives, and
18 such proposal has been processed consistent with the
19 reprogramming guidelines in House Report 108-
20 330.

21 (2) For the purposes of paragraph (1), the
22 maximum amount—

23 (A) with respect to the Department of En-
24 ergy is \$500,000; and

1 (B) with respect to the Department of the
2 Interior is \$2,500,000; and

3 (3) Of the funds appropriated by this Act, not
4 more than \$2,000,000 may be used in fiscal year
5 2005 for competitive sourcing studies and related
6 activities by the Forest Service.

7 (d) LIMITATION ON CONVERSION TO CONTRACTOR
8 PERFORMANCE.—

9 (1) None of the funds made available in this or
10 any other Act may be used to convert to contractor
11 performance an activity or function of the Forest
12 Service, an activity or function of the Department of
13 the Interior performed under programs, projects,
14 and activities for which funds are appropriated by
15 this Act, or an activity or function of the Depart-
16 ment of Energy performed under programs, projects,
17 and activities for which funds are appropriated by
18 this Act, if such activity or function is performed on
19 or after the date of the enactment of this Act by
20 more than 10 Federal employees unless—

21 (A) the conversion is based on the result of
22 a public-private competition that includes a
23 more efficient and cost effective organization
24 plan developed by such activity or function; and

1 (B) the Competitive Sourcing Official de-
2 termines that, over all performance periods
3 stated in the solicitation of offers for perform-
4 ance of the activity or function, the cost of per-
5 formance of the activity or function by a con-
6 tractor would be less costly to the Federal Gov-
7 ernment by an amount that equals or exceeds
8 the lesser of—

9 (i) 10 percent of the more efficient or-
10 ganization's personnel-related costs for
11 performance of that activity or function by
12 Federal employees; or

13 (ii) \$10,000,000.

14 (2) This subsection shall not apply to a com-
15 mercial or industrial type function that—

16 (A) is included on the procurement list es-
17 tablished pursuant to section 2 of the Javits-
18 Wagner-O'Day Act (41 U.S.C. 47);

19 (B) is planned to be converted to perform-
20 ance by a qualified nonprofit agency for the
21 blind or by a qualified nonprofit agency for
22 other severely handicapped individuals in ac-
23 cordance with that Act; or

24 (C) is planned to be converted to perform-
25 ance by a qualified firm under at least 51 per-

1 cent ownership by an Indian tribe, as defined in
2 section 4(e) of the Indian Self-Determination
3 and Education Assistance Act (25 U.S.C.
4 450b(e)), or a Native Hawaiian Organization,
5 as defined in section 8(a)(15) of the Small
6 Business Act (15 U.S.C. 637(a)(15)).

7 (3) The conversion of any activity or function
8 under the authority provided by this subsection shall
9 be credited toward any competitive or outsourcing
10 goal, target, or measurement that may be estab-
11 lished by statute, regulation, or policy.

12 (e) COMPETITIVE SOURCING STUDY DEFINED.—In
13 this subsection, the term “competitive sourcing study”
14 means a study on subjecting work performed by Federal
15 Government employees or private contractors to public-
16 private competition or on converting the Federal Govern-
17 ment employees or the work performed by such employees
18 to private contractor performance under the Office of
19 Management and Budget Circular A–76 or any other ad-
20 ministrative regulation, directive, or policy.

21 SEC. 332. Estimated overhead charges, deductions,
22 reserves or holdbacks from programs, projects and activi-
23 ties to support governmentwide, departmental, agency or
24 bureau administrative functions or headquarters, regional
25 or central office operations shall be presented in annual

1 budget justifications. Changes to such estimates shall be
2 presented to the Committees on Appropriations for ap-
3 proval.

4 SEC. 333. None of the funds in this or any other Act
5 may be used by the agencies funded in this Act to imple-
6 ment Safecom, Disaster Management, E-Training, and E-
7 Rulemaking.

8 CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN
9 LAND IN THE SAN BERNARDINO NATIONAL FOREST
10 IN THE STATE OF CALIFORNIA

11 SEC. 334. (a) FINDINGS.—The Congress finds that—

12 (1) a select area of the San Bernardino Na-
13 tional Forest in California is heavily developed with
14 recreation residences and is immediately adjacent to
15 comparably developed private property;

16 (2) it is in the public interest to convey the
17 above referenced area to the owners of the recreation
18 residences; and

19 (3) the Secretary of Agriculture should use the
20 proceeds of such conveyance to acquire additional
21 lands within the boundaries of the San Bernardino
22 National Forest.

23 (b) CONVEYANCE REQUIRED.—Subject to valid exist-
24 ing rights and such terms, conditions, and restrictions as
25 the Secretary deems necessary or desirable in the public
26 interest, the Secretary of Agriculture shall convey to the

1 Mill Creek Homeowners Association (hereinafter Associa-
2 tion) all right, title, and interest of the United States in
3 and to the Mill Creek parcel of real estate described in
4 subsection (c)(1). In the event the Secretary and the Asso-
5 ciation for any reason do not complete the sale within two
6 years from the date of enactment of this Act, this author-
7 ity shall expire.

8 (c) LEGAL DESCRIPTION AND CORRECTION AUTHOR-
9 ITY.—

10 (1) DESCRIPTION.—The Mill Creek parcel, ap-
11 proximately 28.75 acres, as shown on a map, “The
12 Mill Creek Conveyance Parcel—San Bernardino Na-
13 tional Forest, dated June 1, 2004” and more par-
14 ticularly described as T.1 S., R.1 W., Section 8, E1/
15 2N1/2N1/2NE1/4SE1/4NE1/4S1/2N1/2N1/2SE1/
16 4NE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/
17 4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/
18 4NE1/4, located in the San Bernardino Meridian of
19 the United States Public Land Survey System, Cali-
20 fornia. The map shall be on file and available for in-
21 spection in the office of the Chief, Forest Service,
22 Washington, D.C. and in the office of the Forest Su-
23 pervisor, San Bernardino National Forest until such
24 time as the lands are conveyed.

1 (2) CORRECTIONS.—The Secretary is author-
2 ized to make minor corrections to this map and may
3 modify the description to correct errors or to recon-
4 figure the property in order to facilitate conveyance.
5 In the event of a conflict between the map descrip-
6 tion and the USPLSS description of the land in
7 paragraph (1), the map will be considered the defini-
8 tive description of the land.

9 (d) CONSIDERATION.—Consideration for the convey-
10 ance under subsection (b) shall be equal to the appraised
11 fair market value of the parcel of real property to be con-
12 veyed. Such appraisal shall be prepared in conformity with
13 the Uniform Appraisal Standards for Federal Land Acqui-
14 sition.

15 (e) ACCESS REQUIREMENTS.—Notwithstanding sec-
16 tion 1323(a) of the Alaska National Interest Lands Con-
17 servation Act (16 U.S.C. 3210(a)) or any other law, the
18 Secretary is not required to provide access over National
19 Forest System lands to the parcel of real estate to be con-
20 veyed under subsection (b).

21 (f) ADMINISTRATIVE COSTS.—All costs incurred by
22 the Secretary of Agriculture and any costs associated with
23 the creation of a subdivided parcel, conducting and rec-
24 ordation of a survey, zoning, planning approval, and simi-

1 lar expenses with respect to the conveyance under sub-
2 section (b), shall be borne by the Association.

3 (g) ASSUMPTION OF LIABILITY.—By acceptance of
4 the conveyance of the parcel of real property referred to
5 in subsection (b), the Association and its successors and
6 assigns will indemnify and hold harmless the United
7 States for any and all liability to any party that is associ-
8 ated with the parcel.

9 (h) TREATMENT OF RECEIPTS.—All funds received
10 pursuant to the conveyance of the parcel of real property
11 referred to in subsection (b) shall be deposited in the fund
12 established under Public Law 90–171 (16 U.S.C. 484a;
13 commonly known as the Sisk Act), and the funds shall
14 remain available to the Secretary, until expended, for the
15 acquisition of lands, waters, and interests in land for in-
16 clusion in the San Bernardino National Forest.

17 SEC. 335. Section 331 of the Department of the Inte-
18 rior and Related Agencies Appropriations Act, 2001 (Pub-
19 lic Law 106–291; 114 Stat. 996), is amended—

20 (1) in subsection (a), by striking “Until Sep-
21 tember 30, 2004, the” and inserting “The”; and

22 (2) by adding at the end the following new sub-
23 sections:

24 “(d) INCLUSION OF COLORADO BLM LANDS.—The
25 authority provided by this section shall also be available

1 to the Secretary of the Interior with respect to public
2 lands in the State of Colorado administered by the Sec-
3 retary through the Bureau of Land Management.

4 “(e) EXPIRATION OF AUTHORITY.—The authority of
5 the Secretary of Agriculture and the Secretary of the Inte-
6 rior to enter into cooperative agreements and contracts
7 under this section expires September 30, 2009, and the
8 term of any cooperative agreement or contract entered
9 into under this section shall not extend beyond that date.”.

10 TITLE IV—SUPPLEMENTAL APPROPRIATIONS
11 FOR FISCAL YEARS 2004 AND 2005 FOR UR-
12 GENT WILDLAND FIRE SUPPRESSION AC-
13 TIVITIES

14 CHAPTER 1—FISCAL YEAR 2004
15 DEPARTMENT OF THE INTERIOR
16 BUREAU OF LAND MANAGEMENT
17 WILDLAND FIRE MANAGEMENT

18 For an additional amount for fiscal year 2004 for
19 “Wildland Fire Management”, \$100,000,000, to remain
20 available until expended, for urgent wildland fire suppres-
21 sion activities related to the fiscal year 2004 fire season
22 pursuant to section 312 of S. Con. Res. 95 (108th Con-
23 gress), as made applicable to the House of Representatives
24 by H. Res. 649 (108th Congress): *Provided*, That such
25 funds are also available for repayment of advances to

1 other appropriation accounts from which funds are trans-
2 ferred for such purposes: *Provided further*, That cost con-
3 tainment measures shall be implemented within this ac-
4 count for fiscal year 2004, and the Secretary of the Inte-
5 rior shall submit to the Committees on Appropriations of
6 the Senate and the House of Representatives a report on
7 such cost containment measures by December 31 following
8 the end of such fiscal year.

9 DEPARTMENT OF AGRICULTURE

10 FOREST SERVICE

11 WILDLAND FIRE MANAGEMENT

12 For an additional amount for fiscal year 2004 for
13 “Wildland Fire Management”, \$400,000,000, to remain
14 available until expended, for urgent wildland fire suppres-
15 sion activities related to the fiscal year 2004 fire season
16 pursuant to section 312 of S. Con. Res. 95 (108th Con-
17 gress), as made applicable to the House of Representatives
18 by H. Res. 649 (108th Congress): *Provided*, That such
19 funds are also available for repayment of advances to
20 other appropriation accounts from which funds are trans-
21 ferred for such purposes: *Provided further*, That cost con-
22 tainment measures shall be implemented within this ac-
23 count for fiscal year 2004, and the Secretary of Agri-
24 culture shall submit to the Committees on Appropriations
25 of the Senate and the House of Representatives a report

1 on such cost containment measures by December 31 fol-
2 lowing the end of such fiscal year.

3 CHAPTER 2—FISCAL YEAR 2005

4 DEPARTMENT OF THE INTERIOR

5 BUREAU OF LAND MANAGEMENT

6 WILDLAND FIRE MANAGEMENT

7 For an additional amount for fiscal year 2005 for
8 “Wildland Fire Management”, \$100,000,000, to remain
9 available until expended, for urgent wildland fire suppres-
10 sion activities related to the fiscal year 2005 fire season
11 pursuant to section 312 of S. Con. Res. 95 (108th Con-
12 gress), as made applicable to the House of Representatives
13 by H. Res. 649 (108th Congress): *Provided*, That these
14 funds will become available in the event that funds pro-
15 vided in title I of this Act for wildland fire suppression
16 are insufficient: *Provided further*, That such funds are also
17 available for repayment of advances to other appropriation
18 accounts from which funds are transferred for such pur-
19 poses: *Provided further*, That cost containment measures
20 shall be implemented within this account for fiscal year
21 2005, and the Secretary of the Interior shall submit to
22 the Committees on Appropriations of the Senate and the
23 House of Representatives a report on such cost contain-
24 ment measures by December 31 following the end of such
25 fiscal year.

1 DEPARTMENT OF AGRICULTURE

2 FOREST SERVICE

3 WILDLAND FIRE MANAGEMENT

4 For an additional amount for fiscal year 2005 for
5 “Wildland Fire Management”, \$400,000,000, to remain
6 available until expended, for urgent wildland fire suppres-
7 sion activities related to the fiscal year 2005 fire season
8 pursuant to section 312 of S. Con. Res. 95 (108th Con-
9 gress), as made applicable to the House of Representatives
10 by H. Res. 649 (108th Congress): *Provided*, That these
11 funds will become available in the event that funds pro-
12 vided in title II of this Act for wildland fire suppression
13 are insufficient: *Provided further*, That such funds are also
14 available for repayment of advances to other appropriation
15 accounts from which funds are transferred for such pur-
16 poses: *Provided further*, That cost containment measures
17 shall be implemented within this account for fiscal year
18 2005, and the Secretary of Agriculture shall submit to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives a report on such cost contain-
21 ment measures by December 31 following the end of such
22 fiscal year.

23 SEC. 401. None of the funds provided under this Act
24 may be used for the salaries and expenses of any employee
25 for the expenditure of any fee collected under section

1 315(f) of the Department of the Interior and Related
2 Agencies Appropriations Act, 1996 (as contained in sec-
3 tion 101(c) of Public Law 104-134) for the costs, in whole
4 or in part, of the biological monitoring for a species that
5 is included in a list published under the Endangered Spe-
6 cies Act of 1973 (16 U.S.C. 1533(c)), or that is a can-
7 didate for inclusion in such a list.

8 SEC. 402. None of the funds made available in this
9 Act may be used for the planning, designing, studying,
10 or construction of forest development roads in the Tongass
11 National Forest for the purpose of harvesting timber by
12 private entities or individuals.

13 SEC. 403. The Secretary of the Interior shall submit
14 a report to Congress 30 days after enactment of this Act
15 with a date certain of when and whether the public will
16 have full access to the Statue of Liberty including all areas
17 that were closed after 9/11.

18 This Act may be cited as the “Department of the In-
19 terior and Related Agencies Appropriations Act, 2005”.

Passed the House of Representatives June 17, 2004.

Attest:

JEFF TRANDAHL,

Clerk.